

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No.
P.A. No.

71/

1989.

DATE OF DECISION November 3, 1989.

Tilak Raj Bhatia _____ Applicant (s)

Shri G.D. Bhandari _____ Advocate for the Applicant (s)

Union of India & Another _____ Respondent (s)

Shri O.P. Kshatriya _____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.C. Jain, Member (A).

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? yes.
2. To be referred to the Reporter or not ? yes.
3. Whether their Lordships wish to see the fair copy of the Judgement ? no.
4. To be circulated to all Benches of the Tribunal ? no.

JUDGEMENT

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant, who was appointed as a Ticket Collector on 23.7.49 under the Northern Railway and retired on 31.3.83 on superannuation from the post of Travelling Ticket Examiner / Ticket Collector from Allahabad Division of the Northern Railway, has prayed for an interest at the rate of 18% per annum, compounded yearly, from the date of retirement to the date of payment of his retirement benefits in respect of balance in the Provident Fund, payment of Special Contribution to Provident Fund and payment on account of Leave Encashment.

2. I have carefully gone through the pleadings and have heard the learned counsel for the parties.

3. The payment of the balance of Rs.34,221/- on account of balance in the Provident Fund is admitted to have been passed vide order No.2207 dated 19.7.88 and is said to have been received by the applicant through registered post on

1/2

7

10.8.88. The payment on account of Special Contribution to Provident Fund amounting to Rs.6756.70 is admitted to have been passed by Order No.675 dated 4.5.88 and received by the applicant on 27.6.88. An amount of Rs.3040.60 on account of Leave Encashment is admitted to have been passed vide order No.675 dated 4.5.88 and was received by the applicant on 27.6.88. The respondents have, however, also stated that the payment of balance of the Provident Fund was passed vide order 4407 dated 4.11.87; Special Contribution to Provident Fund was passed vide order No.400 dated 14.10.87; and payment on account of Leave Encashment was passed vide order No.400 dated 14.10.87, but the same were returned unpaid due to non-receipt of the bills by the applicant. The applicant has disputed this statement. The respondents have not been able to show any communication to the effect that these authorisations of 14.10.87 and 4.11.87 were refused by the applicant. However, it was stated at the bar by the learned counsel for the applicant that if interest is allowed even upto these dates, it would be acceptable to him.

4. The respondents have raised a preliminary objection to the effect that the application is barred under Sections 20 and 21 of the Administrative Tribunals Act, 1985. Another preliminary objection is to the effect that the delay as impugned has been caused by the applicant himself. Both these objections are untenable. The payments under consideration were received by the applicant on 27.6.88 and 10.8.88 and the limitation would run only after these dates. ^{that} The applicant has been pressing for early payment of his retirement dues has not been rebutted. One of the papers produced by the learned counsel for the respondents indicated that the applicant took his case of payment of retirement benefits even to the Pension Adalat and it appears that it was on account of this that the matter was expedited. The respondents have also not been able to show any communication addressed to the applicant whereby he might have been asked

(See)

to complete papers or remove any deficiencies therein.

5. An employee retiring from the Government service has a vested right in timely payment to him of his retirement dues. Government instructions issued from time to time on the subject have also emphasised expeditious settlement of such dues. Admittedly, in this case, payment of the dues were not offered before 14.10.87 and 4.11.87 while the applicant retired on 31.3.83. It has not been established by the respondents that the applicant himself contributed, fully or partly, to this delay. It has also not been shown that the balance in the Provident Fund and the amount of Special Contribution to Provident Fund, which is in lieu of gratuity, had been paid after allowing interest till the date of payment. Similar is the position in regard to payment on account of Leave Encashment. The respondents are, therefore, directed to pay interest on the above three amounts at the rate of 12 per cent Simple Interest per annum from 1.7.83, i.e., after allowing a period of three months from the date of retirement, till 3.11.87 in case of balance in the Contributory Provident Fund, and upto 13.10.87 in regard to Special Contribution to Provident Fund and payment on account of Leave Encashment. The amount of interest as calculated above shall be sent to the applicant through an Account^{ee} Payee cheque by registered post at his residential address. These orders shall be complied with latest within three months from the date of this order.

6. The application is allowed on the lines of the directions in para 5 above. Parties to bear their own costs.

(See 3/4/89)
(P.C. JAIN)
MEMBER(A)