

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1317/88
T.A. No.

198

DATE OF DECISION 17.2.89

Shri D.C. Aggarwal Petitioner

Shri O.P. Dua Advocate for the Petitioner(s)

Versus

Union of India & Others Respondent

Shri Mukul Talwar Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. Kartha, Vice Chairman.

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

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

MGIPRRND-12 CAT/86-3-12-86-15,000

P. Srinivasan
(P. Srinivasan)
Member (A)

P.K. Kartha
(P.K. Kartha)
Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

REGN. NO. O.A. 1317/88

Date of Decision : 17.2.1989.

S hri D.C. Aggarwal

....

Applicant

Vs.

Union of India & Others

....

Respondents.

CORAM:- Hon'ble Mr. P.K. Kartha, Vice Chairman

Hon'ble Mr. P. Srinivasan, Member (A)

For the applicant

S hri O.P. Dua, Counsel

For the Respondents

Shri Mukul Talwar, Counsel

(Judgement of the Bench delivered by
Hon'ble Sh. P. Srinivasan, Member (A))

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This application ^{has M} comes up before us for admission today with notice to the respondents. The respondents have filed their reply to the application which is already on record. Shri O.P. Dua, learned counsel for the applicant and Sh. Mukul Talwar, learned counsel for the respondents present have been heard. We find that the application can be disposed of on merits on the oral as well as written submissions made before us.

2. The grievance of the applicant is that though he retired on 31.12.1984 as a Member, Appellate Tribunal, Sales Tax, Delhi Administration, Delhi, payment of retirement benefits to him was unduly delayed. He was paid pension ^{from} including gratuity on 3.9.1986, leave encashment dues on 24.6.86 and 29.9.87 and his gratuity on 31.1.1988. Shri Dua submits that the respondents were not justified in delaying payment or terminal benefits to the applicant. There was no

P. Srinivasan

contd....

lapse on the part of the applicant in meeting the requirements for drawing his terminal benefits. He contents that the applicant should be paid interest on delayed payment of all these dues at 12 % p.a. from 1.1.85.

3. Shri Talwar vehemently opposes the contention of Shri Dua. He submits that the applicant himself was responsible for delayed submission^{of} his pension papers; he was liable to pay large amounts to the Delhi Administration by way of licence fee for the residential accommodation allotted to him which he did not vacate long after he retired from service. Therefore, the delay in settling his retirement benefit was attributable to him and he was estopped from claiming interest.

4. We have considered the matter carefully. Shri Talwar informs us that the applicant's pension papers finally reached the respondents on 17.7.85 because his service book was sent to the Monopolies and Restrictive Trade Practice Commissions (MRTPC) on his appointment as a Member of that body while still in the service of the Delhi Administration. If that be so, the respondents could have settled the applicants' dues at last by 31.12.85. Taking a broad view of the matter we are of the opinion that the applicant is entitled to interest at 10% p.a. on delayed payments of pension from 1.1.1986. For the same reasons, we are of the view that the applicant should be paid interest at 10% p.a. on delayed payment of leave encashment amount also, from 1.1.86. So far as gratuity is concerned, it appears that there was initially a demand of Rs. 36,139/- from the applicant on various accounts including licence fee of the accommodation provided to him by the Delhi Administration. The matter was finally settled on 1.11.85 when the Delhi Administration agreed to

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withdraw the demand. Nothing prevented the respondents from paying the gratuity due to the applicant thereafter. We, therefore, direct the respondents to pay the interest on the gratuity amount payable to the applicant also from 1.1.1986.

5. Shri Talwar strongly urged that applicants' claim of interest is barred by limitation because he had retired on 31.12.84, pension was paid to him in ^{September} July 86, and this application was filed only on 15.7.88. We are not impressed by this contention as pension is a continuing monthly payment and retirement benefits are meant to enable a Government pensioner to live in dignity after long years of service without depending on others.

6. Shri Dua submits that ^{of the} applicant has two more grievances namely that the amount of gratuity payable to him had not been worked out correctly as a result of which he had been paid short by Rs. 1625/-. Moreover, a sum of Rs. 1190/- had been recovered from him by way of water charges which was not due from him. We are not inclined to go into the details of the working of these amounts. The applicant may furnish the details to the respondents who are directed to examine this question and settle the matter after proper consideration within a reasonable times, but not later than two months from the date of receipt of this order.

7. In the result the respondents are directed to pay interest to the applicant on his terminal benefits, namely Pension, leave encashment and gratuity from 1.1.86 at 10%p.a. The interest should be paid to the applicant within a period of two months from the date of receipt of this order.

8. The application is disposed of on the above terms leaving the parties to bear their own costs.


(P. SRINIVASAN)
MEMBER (A)


(P. K. KARTHA)
VICE CHAIRMAN (J)

17.2.1989.