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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 829/1986

Date of decision:08/04/1993.

Shri T.R. Sethi

....Applicant

Versus

Lt. Governor of Delhi & Others

...Respondents

For the Applicant

...Shri O.P. Khokha,
Counsel

For the Respondents

...Ms. Veena Kalra,
proxy counsel for
Mrs. Avnish
Ahlawat, Counsel

CORAM:

THE HON'BLE MR.JSTICE S.K. DHAON, VICE CHAIRMAN

THE HON'BLE MR.I.K. RASGOTRA, MEMBER(A)

1. To be referred to the Reporters or not?

JUDGMENT(ORAL)

(of the Bench delivered by Hon'ble

Mr. I.K. Rasgotra, Member(A))

The petitioner in this case retired as Head of the Department of Electrical Engineering from G.B. Pant Polytechnic, Okhla, New Delhi, on 30.04.1985. By way of

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relief, he had claimed various retirement benefits as due to him. Shri O.P. Khokha, the learned counsel for the petitioner submitted that the petitioner has since been paid all his retirement benefits as per the details given below:-

"S.No.	Item	Paid on	Delay in months
(a)	Pension from 5/85 to 12/85 at Rs.1131/-pm	3.2.86	Eight
(b)	GPF (even calculation sheet despite request not yet furnished and interest upto date till payment not paid)	14.4.86	Eleven
(c)	Leave encashment and refund Group Insurance Scheme Rs.10,304/- and Rs.959/- respectively."	28.4.86	Twelve

The learned counsel submits that there has been delay in the payment of retirement benefits substantially and, therefore, the petitioner prays that he be granted of interest on the period of delay. The principal reason for claiming interest on the delayed payment of gratuity and GPF. Although the petitioner retired on 30.04.1985, he was paid DGRG in May, 1989. Similarly, the General Provident Fund was paid to him on 14.04.1986 and Leave Encashment on 28.06.1986. In accordance with the rules, The respondents are required to pay interest on the amount of gratuity after the first three months after the date of retirement at the rate of 7% for the first year and for the subsequent years at the rate of 10%. The respondents have submitted that the petitioner's DCRG and pension papers could not be finalised, as he filed his papers claiming retirement benefits only on 28.08.1985.

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In this view of the matter, the petitioner can be granted interest on the DCRG for the period of delay only from 1st December, 1985. Accordingly, we direct the respondents to pay interest to the petitioner for the first year at the rate of 7% and for subsequent period of delay at the rate of 10% from 1.12.1985 to the date of actual payment.

As far as the GPF is concerned, the respondents in accordance with the rules are required to pay interest on the amount lying in the credit in the GPF account upto the end of the month preceding the date in which the payment was made. Accordingly, the respondents are directed to make payment of interest upto 31.3.1986 at the reate applicable from time to time from the GPF accumulations to the petitioner if the same has not already been paid. It is not clear from the counter-affidavit that the interest upto 31.3.1986 on the GPF accumulations has been paid. The last major claim of the petitioner is that he should be granted benefit of added years of service in terms of Rule 30 of CCS(Pension) Rules which is being denied to him by the respondents on the ground that the recruitment rules do not make any provison for such a relief to him.

Rule 30 of the CCS(Pension) Rules provides:-

(1) A Government servant who retires from service or post after the 31st March, 1960, shall be eligible to add to his service qualifying for superannuation pension (but not for any other class or pension)) the actual period not exceeding one-fourth of the length of service or the actual period by which his ..4.

age at the time of recruitment exceeded twenty-five years or a period of five years, whichever is less, if the service or post to which the Government servant is appointed is

(a) for which post-graduate research, or specialist qualification or experience in scientific, technological or professional fields, is essential; and

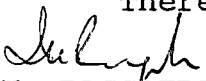
(b) to which candidates of more than twenty-five years of age are normally recruited.


Provided that this concession shall not be admissible to a Government servant unless his actual qualifying service at the time he quits Government service is not less than ten years:

Provided further that this concession shall be admissible only if the recruitment rules in respect of the said service or post contain a specific provision that the service or post is one which carries the benefit of this rule".

Proviso (2) above makes a specific provision that benefit of added years' of service shall be admissible only "if the Recruitment Rules in respect of the said service or post contain a specific provision that the service or post is one which carries the benefit of this rule". Since the Recruitment Rules admittedly do not make any provision for the joining benefit of added years of service the petitioner, is not eligible for the same. The other reliefs claimed by the petitioner are not pressed. The learned counsel, however, mentioned that the petitioner is entitled to claim stagnation increment as stated by him in the rejoinder. We, however do not find any prayer in the OA to this effect. Accordingly, we decline to grant this relief, claimed in the rejoinder. The OA is disposed of on the above lines.

There will be no order as to costs.


(I.K. RASGOTRA)
MEMBER (A)
08.04.1993


(S.K. DHAON)
VICE CHAIRMAN
08.04.1993

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