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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1128/86
T.A. No.

198

DATE OF DECISION 19-5-1987

Shri Charan Singh

Petitioner Applicant

Shri G.N. Oberoi, counsel.

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondents

Smt. Raj Kumari Chopra

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member

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 ? *seen*
4. Whether to be circulated to all the Benches ? *No*

kaushal
(KAUSHAL KUMAR)
MEMBER
19.5.1987

madhava
(K. MADHAVA REDDY)
CHAIRMAN
19.5.1987.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
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Shri Charan Singh ... Applicant

vs.

Union of India & Ors. ... Respondents

CORAM:

Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

Hon'ble Mr. Kaushal Kumar, Member

For the applicant: ... Shri G.N. Oberoi, counsel.

For the respondents: ... Mrs. Raj Kumari Chopra, counsel.

(Judgment of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman)

JUDGMENT.

In view of the events that have transpired subsequent to the filing of the application, the controversy raised by the applicant is very much narrowed down. The applicant prays for a direction against the Respondents to make all payments finally on account of pensionary/terminal benefits and other dues listed in paragraph 6 of the application and also to direct payment of penal interest on all delayed payments.

2. The applicant retired from service on 30.4.1983 and became entitled to payments of pension and terminal benefits from 1st May, 1983 onwards. The provisional pension based on 10 months average pay was fixed at the rate of Rs. 610/- per month and paid to the applicant

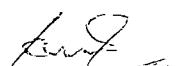


(3)

on 1.7.1983. Subsequently, on 1.5.83, pension was revised to Rs. 804.00 and the difference between the provisional pension and the pension as finally fixed was paid on 19.12.1986. It would, however, appear that this revision necessitated on account of grant of anti-dated notional seniority was given to him under Order dated 1.7.1985. So delay in payment can only be reckoned from 1.7.1985 and not from the actual date of retirement. It is admitted that pension was paid at the rate of Rs. 610.00 per month upto 1.7.1983, thereafter upto 3.5.1985 at the rate of Rs. 712.00 per month and thereafter upto 19.12.1986, pension was paid at the rate of Rs. 804.00 per month. The delay, if any, in not paying the pension at the rate of Rs. 804.00 per month can only be deemed to be from 1.7.1985 onwards and upto 19.12.1986. The applicant is, therefore, entitled to payment of interest at the rate of 7% per annum on the delayed payment from 1.10.1985 for the first nine months and thereafter, at the rate of 10% per annum until payment.

3. The applicant also claims that the arrears of pay due to him on the basis of anti-dated notional seniority being fixed were paid only on 18.9.1985. We find that the order revising the pay was implemented within three months of the order. We do not think that there has been any delay as payment of salary due on account of anti-dated notional seniority was being granted.

4. The applicant was entitled to payment of gratuity also within three months of his retirement. A sum of Rs. 19,526.00 was paid to him on 1.7.1983, that is, within three months of his retirement and Rs. 1000/- was withheld towards adjustment of unassessed dues from him. There does not appear to be any justifiable ground for not making the payment of Rs. 3,729.00 until 3.5.1984. Therefore, the



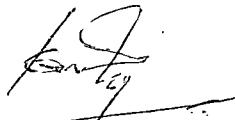
applicant would be entitled to interest on this amount at the rate of 7% per annum from the date of expiry of three months of for the first nine months his retirement and thereafter until payment at 10% per annum.

5. So far as the amount of Rs. 4,125.00 paid on 19.12.1986 is concerned, it does not become due to him on account of notional anti-dated seniority fixed on 1.7.1985. Even so the amount was not paid within three months thereafter. Therefore, the applicant will be entitled to payment of interest at the rate of 7% per annum from three months after 1.7.1985, that is from 1.10.1985, upto nine months and at the rate of 10% for the subsequent period upto 19.12.1986. He will also be entitled to interest on delayed payments of leave encashment which ought to have been paid to him after at least three months of his retirement. These payments were made on 15.10.1984, that is, nearly one year after he retired. Therefore, he will be entitled to interest at the rate of 7% per annum from three months after his retirement for nine months and thereafter, at the rate of 10% per annum till the actual payment.

5. This application is allowed to the extent indicated above. There shall be no order as to costs.



(KAUSHAL KUMAR)
MEMBER
19.5.1987.



(K. MADHAVA REDDY)
CHAIRMAN
19.5.1987