

In the Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1302/87

Date of decision: 04.03.1993.

Shri S.R. Bhanarale

...Petitioner

Versus

Union of India through the
Secretary, Ministry of
Communications, Department of
Telecommunications, Telecom
Board, New Delhi & Others

...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. B.S. Hegde, Member (J)

For the petitioner In person.

For the respondents None

Judgement (Oral)
(Hon'ble Mr. I.K. Rasgotra, Member (A))

The respondents in this case despite notice and several opportunities allowed, have not filed the counter-affidavit. The petitioner who appeared in person also has not been able to assist us in determining the exact quantum of money which would be payable to him on various accounts. According to his submission his pay was never fixed correctly throughout his career, although he received promotions from lower to higher grades, as and when they were due. He further submits that he was paid at the minimum of the scale in whichever scale he was placed. The only concrete grievance which he has projected is that although he retired on 31.7.1984 his retirement dues were not paid in time. He, therefore, seeks payment of interest on the delayed payments. After spending sometime with him all that we could ascertain was that he retired from service on 31.7.1984. The pension payment order was issued in his favour on

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24.8.1984 and payment thereof were authorised through Postmaster on 11.9.1984. His D.C.R.G. amounting to Rs.27,710/- was paid to him on 10.12.1984. The amount of G.P.F. paid was sanctioned in his favour vide order dated 1.2.1985. This amounts to Rs.4,506/- comprises the residual balance in the G.P.F. account and interest calculated upto January, 1985. There is thus no payment of interest due to him on this account, as the payment on account of G.P.F. was received by him on 1.2.1985. He has also received the amount on account of Central Government Employees Group Insurance Scheme (CGEGIS). He however, denies having received any leave encashment. All that survives in this petition, therefore, is that his D.C.R.G. has been paid on 10.12.1984 without interest on the period of delay. According to the Rules, the respondents are required to pay interest at the rate of 7% for the period of delay for the first year after expiry of 3 months from the date of retirement and at 10% thereafter. As the petitioner retired on 31.7.1984 from service he is clearly entitled to the payment of interest for a period of about a month and a half at the rate of 7%. The petitioner is not able to say precisely the date/month when the amount of CGEGIS was paid to him. He, however, says that there was a delay of about 8 months. In absence of any counter-affidavit from the respondents, and any other material it is not possible for us to precisely

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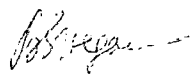
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determine the period of delay. However, keeping in view the above facts and circumstances, we consider it just and proper to grant a lump sum amount of Rs.200/- by way of interest on D.C.R.G. etc. as full compensation in this behalf.

2. Regarding the other claims of fixation of pay, we are of the view that the petitioner should have agitated these claims in time before the relevant judicial forum and when the cause of action arose and should not have waited for raising these issues after he retired from service on 31.7.1984.

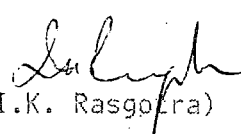
3. In conclusion, the respondents are directed to pay an amount of Rs.200/- by way of interest on D.C.R.G. etc. to the petitioner as early as possible and preferably within three months from the date of this order.

4. The O.A. is disposed of, as above. No costs.


(B.S. Hegde)

Member(J)

san.


(I.K. Rasgotra)

Member(A)