

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

O.A. 1021/1990.

DATE OF DECISION: 9-1-1991.

Shri P.N. Sharma

Applicant.

V/s.

Union of India and
Another.

Respondents.

CORAM: Hon'ble Mr. T.S. Oberoi, Member (J).
Hon'ble Mr. P.C. Jain, Member (A).

Shri R.K. Kamal, Counsel for the Applicant.
Shri O.N. Moolri, Counsel for the Respondents.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their lordships wish to see the fair copy of the judgment?
4. Whether to be circulated to all Benches of the Tribunal?

(P.C. Jain)
Member (A)

(T.S. Oberoi)
Member (J)

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

O.A. 1021/1990.

DATE OF DECISION: January 9, 1991.

Shri P.N. Sharma

Applicant.

V/s.

Union of India
and Another.

....

Respondents.

CCRAM: Hon'ble Mr. T.S. Oberoi, Member (J).
Hon'ble Mr. P.C. Jain, Member (A).

Shri R.K. Kamal, Counsel for the Applicant.
Shri O.N. Moolri, Counsel for the Respondents.

(Judgment of the Bench delivered by
Hon'ble Mr. P.C. Jain, Member (A).)

JUDGMENT

The applicant, who was working as Inspector of Works under the Western Railway, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to pay all his outstanding final settlement dues together with interest at 15 per cent per annum. The settlement dues, which are said to be payable to the applicant are as below: -

- (1) Pension (Monthly) on average emoluments of Rs.1800 per month approximately.
- (2) Gratuity for about 26 years completed service.
- (3) Provident fund (Rs.25,000 approximately).
- (4) Commutation amount.
- (5) Leave salary encashment for 6 months.

2. It is a common ground between the parties that the applicant was deemed to have retired from the Railways in public interest with effect from 17.5.84 (for absorption in public interest in the Rail India Technical & Economic Services Limited (RITES) - a Public Sector Undertaking), Vide orders issued by the Western Railway on 31.3.1987. The applicant states that he had signed all relevant documents and forms and that he submitted several representations for the payment of his final

settlement dues, which are yet to be paid. He has filed copies of reminders dated 14.4.88 and 14.10.88. The respondents admit that his retirement dues are yet to be assessed and paid and the final payment has not yet been made. According to them, the particulars furnished by the applicant are under verification and they have sought three months' time for payment of the dues.

3. It is well settled that pension and gratuity are no longer any bounty to be distributed by the Government to its employees on their retirement, and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest till the date of actual payment (STATE OF KERALA & OTHERS Vs. M. PADMANABHA NAIR (AIR 1985 SC 356). The order of retirement was issued on 31.3.87. Allowing the respondents six months' time to process the papers and issue sanctions, the applicant should have reasonably expected to receive payments due to him with effect from 1.10.1987.

4. In view of the foregoing discussion, the application is allowed in terms of the direction that the amounts due to the applicant in respect of the claims made by him, as already mentioned above, be settled and paid to him by 28.2.1991 with Simple Interest at the rate of 12 per cent per annum with effect from 1.10.1987 till the date of actual payment. We leave the parties to bear their own costs.

(P.C. JAIN)
Member (A)

(T.S. Oberoi)
Member (J)