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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 2063/90

DECIDED ON: 24.5.93.

Balwant Singh Attri ... Applicant

Vs.

Union of India & Ors. ... Respondents

CORAM :

THE HON'BLE MR. B. N. DHOUNDEYAL, MEMBER (A)

Shri Sant Lal, Counsel for Applicant
Shri M. L. Verma, Counsel for Respondents

JUDGMENT

This application has been filed by Shri Balwant Singh Attri, retired Head Records Officer, claiming compound interest at market rate on arrears of pension and DCRG sanctioned to him in 1989 even though he had retired w.e.f. 31.12.1977.

2. The applicant joined as Sorter in the Railway Mail Service on 4.9.1947 and was to be retired on 31.12.1977 in accordance with letter dated 20.12.1977 issued by the P.M.G., Delhi Circle. However, he had filed a civil suit for change in his date of birth and under an interim order granted by the court on 23.12.1977 he continued to work till 7.8.1978 when the said order was vacated. He was relieved from service on 8.8.1978 and the extended period from 1.1.1978 to 7.8.1978 was treated as re-employment. Subsequently, the case was transferred to the Tribunal and the transferred application was dismissed. The Senior Superintendent, New Delhi Division sanctioned a provisional pension of Rs.312/- per month as also provisional payment of DCRG of Rs.11,450. However, a sum of Rs.3,000/- was withheld from the amount of gratuity and an inordinate delay occurred in finalising his

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pension claim. Ultimately his pension was fixed at different rates for different periods in accordance with the order dated 21.2.1989 and actual payment of the arrears of Rs.34,473/- was made to him on 1.9.1989. The balance of gratuity amount was paid to him on 18.5.1989. Citing the observations of the Supreme Court in case of State of Kerala & Ors. vs. M. Padmanabhan Nair : 1985 (1) SCC 429, that any culpable delay in settlement and disbursement of pension and gratuity must be visited with the penalty of payment of interest at market rate in actual payment, he claims interest at the rate of 18%.

3. The respondents have contended that any delay in finalising his pension was on account of the civil suit filed by the applicant, the stay granted by the court on his superannuation and the ultimate dismissal of his application. As a matter of fact, his pension case had been processed well before his retirement and a PPO was issued on 6.1.1973. The provisional payment of pension was sanctioned immediately after vacation of the stay. Rs.4,000/- were retained from the amount of gratuity; Rs.3,000/- on account of unsettled case of wrong drawal of an increment; and Rs.1,450/- for other contingencies. The pension was revised from time to time on receipt of Government orders. These delays are not attributable to any administrative lapses and no interest is hence payable. The service book and the records of the applicant were in the court of law upto 14.9.1987.

4. I have gone through the records of the case and also heard the learned counsel for the parties. It is obvious that in normal circumstances the applicant would have retired on 31.12.1977 and the PPO was issued in time on 6.1.1978.

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That he chose to file a suit regarding his date of birth and secured a stay order which was vacated on 7.8.1978 shows that the delay upto this point was on his account only. However, his suit for change in date of birth was ultimately dismissed on 14.9.1987. I, therefore, hold that the applicant himself was to a great extent responsible for delay in finalisation of his pension and hence, he cannot claim any interest till final decision of his case on 14.9.1987. However, the learned counsel for the applicant has given a statement which shows that even after his case was finalised some payments were delayed for almost two years and the final payment of the amount of gratuity was made on 18.7.1989. I, therefore, hold that it would be just and proper for the respondents to consider payment of interest at the rate of 12% on any amounts of gratuity or pension that were paid belatedly for this period. The learned counsel for the applicant has agreed that a representation showing his claims for delay in payments from 14.9.1987 till 18.7.1989 will be submitted to the respondents who may then scrutinise the same and pay interest at the rate of 12% p.a. for all delayed payments, within three months of the receipt of such a representation. The O.A. is disposed of on these lines. No costs.

B. N. Dhoundiyal
(B. N. Dhoundiyal) 26/5/83
Member (A)

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