

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 2527/90
T.A. No.

199

DATE OF DECISION 30.8.1991

Shri S.M. Verma

Petitioner Applicant

Shri A.K. Behra

Advocate for the Petitioner(s) Applicant

Dir. Gen., Indian Council of
Agricultural Research & Another

Versus

Respondent

None

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement? / No
4. Whether it needs to be circulated to other Benches of the Tribunal?

(Judgement of the Bench delivered by Hon'ble
Mr. D.K. Chakravorty, Administrative Member)

The short point for consideration in this case is whether the applicant is entitled to be paid interest on the pension and the retirement benefits which were paid to him after inordinate delay.

2. Despite adequate time given to the respondents to file counter-affidavit, they have not chosen to do so.

During the hearing of the case, the learned counsel for the applicant stated that the applicant retired from the service of the respondents on 30.11.1985 on attaining the age of superannuation. The Pension Payment Order was issued by the respondents only on 3.11.1990.

3. The applicant had joined the Potato Research Institute, Shimla, as a Research Assistant on 23.12.1949 and worked there upto 2.4.1957. Thereafter, on being selected by the U.P.S.C., he was sent for temporary service/deputation to the Directorate of Agriculture, Himachal Pradesh, Shimla, where he joined as Class II on 9.4.1957 after availing joining time as per the rules. He continued there till 18.3.1963, when he was repatriated back to Central Potato Research Institute, Shimla. He retired from the said Institute on 30.11.1985 on attaining the age of superannuation of 60 years.

4. On his retirement, the respondents fixed his pension only on the basis of his service in the Central Potato Research Institute from 27.3.1963 to 30.11.1985. The service rendered by him before that date was not taken into account on the ground that the pension contribution and leave salary contribution for the period from 9.4.1957 to 18.3.1963, had not been paid by the Government of Himachal Pradesh. Eventually, the applicant himself agreed to bear the liability of payment of leave salary and pension contribution for the said period.

5. In our opinion, the delay in the finalisation of the pension and other retirement benefits payable to the applicant, was not attributable to him. In the State of

Kerala Vs. M. Padmanabhan Nair, A.I.R. 1985 S.C. 356,

the Supreme Court has held that interest is to be paid on delayed payment of pension and other retirement benefits.

6. Following the ratio in the aforesaid decision of the Supreme Court, we dispose of the present application at the admission stage itself with the following orders and directions:-

(i) The respondents shall pay simple interest at the rate of 10 per cent per annum on the amount of pension, gratuity, commutation of pension, leave encashment and all other retirement benefits from 28.2.1986 till the date of actual payment to the applicant. A period of three months has been excluded on the ground that it would be a reasonable period for finally working out the amount due to the applicant and paying the same to him.

(ii) The respondents shall comply with the above directions within a period of two months from the date of communication of this order.

(iii) There will be no order as to costs.

D. K. Chakravorty
(D. K. Chakravorty)
Administrative Member

P. K. Kartha
(P. K. Kartha)
Vice-Chairman (Judl.)