

29.10.1990

Present : Shri S.K. Gupta, counsel for the applicant.
Shri VSR Krishna, proxy counsel for Shri M.L. Verma, counsel for the respondents.

This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the prayer for grant of interest on the amount of death-cum-Retirement Gratuity paid to the applicant with delay of about two months after the date of his superannuation.

In the counter filed on behalf of the respondents, the applicant's case has been resisted on the ground that the alleged delay was merely for a period of two months, and as per Rule 68(1) of the CCS (Pension) Rules 1972, delay for a period of three months, due to administrative reasons is not liable to payment of any interest.

We have heard the learned counsel for the applicant and the proxy counsel on behalf of the respondents. The learned counsel for the applicant persists for the payment of the interest on the amount of death-cum-retirement gratuity, by referring to a ruling decided by Punjab & Haryana High Court (Mohinder Singh Vs. State of Punjab and Others) SLR 1976(2) page 644.

We have carefully perused the facts and circumstances of the present case, contents of the OA as well as the counter filed on behalf of the respondents. We have also perused the citation referred by the learned counsel of the applicant, which, to our mind, is not applicable to the facts and circumstances of the present case. The ruling cited by the learned counsel for the applicant related to the payment of interest on GPF amount, which being the amount of the applicant himself, was rightly held to be granted the interest, at the rate permissible, ~~to~~ according to the rule, ^{referred to} in the said citation, whereas the instant case the amount ^{was} of death-cum-retirement gratuity, and that, the delay was barely for a period of two months on account

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of proper charge having not being handed over by the applicant on the date of his superannuation.

Keeping the whole facts and circumstances of the case in view, we find no merits in the applicant's case and this application is, therefore, dismissed.

There will be no order as to costs.

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)

29/10/90
(T.S. OBEROI)
MEMBER(J)