

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

(10)

OA. No. 2716 of 1991

Dated New Delhi, this 25th day of August, 1994

Hon'ble Shri A. V. Haridasan, Member(J)
Hon'ble Shri B. K. Singh, Member(A)

Shri Attar Singh
R/o Vill. Rangpuri
P.O. Mahipal Pur
NEW DELHI-110 037

... Applicant

By Advocate: None

VERSUS

Union of India through

1. Secretary
Ministry of Human Resources
Development, Government of India
NEW DELHI-110001

2. Delhi Administration
through its Administrator
Old Secretariat
DELHI

3. Director of Education
Delhi Administration
Old Secretariat
DELHI

... Respondents

By Advocate: None

O R D E R
(Oral)

Shri A. V. Haridasan, M(J)

The applicant who had served on the post of Post Graduate Teacher in Government Higher Secondary School under the Directorate of Education, Delhi Administration, Delhi from 25.7.60 to 30.9.76, on retirement was not given the benefit of past service as a [✓] though Freedom Fighter ~~✓~~ he was removed from the service of the Army by the British Army Authorities 13.1.44 for

Contd...2

(11)

his participation in the freedom struggle. Though he was not given the benefit of the Army service for the purpose of pension, he did not agitate his grievance for a considerably long period. The applicant made his first representation only in the year 1984. After repeated representations by the applicant, a decision was taken to count his Army service and to revise his pension and other retiral benefits and accordingly he was paid Rs. 37,928.10 on 26.4.89, Rs.20,471.00 on 17.1.90 and Rs. 3,691.00 on 4.6.90 as arrears of Pension and Rs.6,885/- on 7.4.89 as remainder of DCRG amount. This OA has been filed by the applicant claiming interest on these amounts with effect from the date it was actually due to him. The applicant's contention is that had the respondents taken appropriate action at appropriate/without delay, in regard to grant of pension to him, he could have profitably used the amount and as such the respondents are liable to compensate him by paying interest.

2. The respondents in their reply have contended that the case of the applicant was considered sympathetically on his repeated representations and taking into account that he was a Freedom Fighter he was given the benefit of past service in that Army and paid the arrears, and/the present claim

(2)

for interest is not at all justified because the delay in finalisation of the claim of the applicant occurred mainly due to the inaction of the applicant only.

3. The application came up for final hearing to-day.

None appeared for the applicant and for the respondents.

Considering the facts and circumstances of the case

brought out in the pleadings, we are of the view that

the applicant does not have a justifiable claim for

payment of interest on the delayed payment of pension

because though the rules made his past service countable

for pension even in the year 1978, the applicant did

make his demand for a long time. He had made his first

representation only in the year 1984. In 1989 he was

paid the pensionary benefits. The delay was mainly due to

missing of service records. Therefore, it could not be

said that the delay was on account of inaction of the

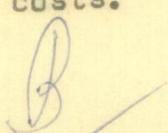
respondents.

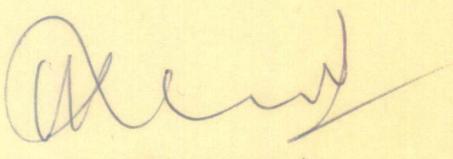
4. In the light of what has been stated above, we

do not find any merit in this application and therefore

the same is dismissed, leaving the parties to bear their

own costs.


(B. K. Singh)
Member (A)


(A. V. Haridasan)
Member (J)

dbc