

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA No.2962/91

Date of decision:24.5.93.

Sh.S.K.Sharma

...

Applicant

versus

Union of India through
Secretary,
Dept.t of Personnel
Ministry of Training,
Administrative Reforms, Public Grievances
& Pension & anr. ... Respondents

CORAM:THE HON'BLE SH.I.K.RASGOTRA, MEMBER(A)
THE HON'BLE SH.J.P.SHARMA, MEMBER(J)

For the Applicant ... Sh.Sanjay Sandhir
& Sh.V.K.Rao, Counsel.

For the Respondents ... Ms.Jasvinder Kaur,
proxy for Sh.Jog Singh
counsel.

JUDGEMENT(ORAL)

(BY HON'BLE SH.I.K.RASGOTRA, MEMBER(A))

The applicant in this case, Shri S.K. Sharma is aggrieved by order dated 19.8.91 by which the respondents rejected his claim for payment of interest at the rate of 13% per annum on the amount which accrued to him on his retirement from I.A.S on account of his absorption in HUDCO. The main issue in this case, namely, the date of retirement consequent upon transfer/absorption in HUDCO was decided in OA No.615/87 vide judgement dated 5.5.89. The operative part of that judgement reads as under:-

" We are in agreement with the ratio of the judgement of another Bench of this Tribunal in J.Sharan Vs. Union of India (O.A.364/86), referred to above and direct that the applicant's date of retirement from I.A.S. and his permanent absorption in HUDCO shall be taken as 28.6.1985 and he shall be entitled to all retirement benefits on this basis. The period from 4.2.1985 to 27.6.1985 shall be treated as one on deputation on the usual terms and conditions. There shall be no order as to costs."

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of

2. The issue had arisen because/ the order transferring the applicant had stated that the appointment will be on immediate absorption basis whereas the actual order of absorption was issued much later. The Tribunal applied the ratio of J.Sharan Vs.U.O.I(supra) and determined the date of retirement of the applicant as the date of final absorption as 28.6.1985. It is the case of the applicant that he has been paid all the retirement benefits as were due to him in terms of the judgement of the Tribunal. In this OA, however, he has prayed by way of relief interest @ 13% per annum on the amount of arrears of retiral benefits calculated as payable to the applicant,taking his date of retirement as 28.6.1985,from 4.4.85 till the date of payment of the arrears. The Tribunal had considered the matter in OA No.615/87 and determined the date of retirement of the applicant as 28.6.85 applying the ratio of J.Sharan 's case and allowed him all the retirement benefits on that basis but did not pass any order in regard to payment of interest. Since the claim for payment of interest is now being agitated on the basis of the determination of the date of retirement by the judgement of this Tribunal and not on account of any administrative lapse, we are of the view that no interest is payable. The impugned order dated 19.8.91 does not call for any interference. The OA is dismissed with no order as to costs.

J. P. Sharma
(J.P.SHARMA)
MEMBER(J)

I. K. Rasgora
(I.K.RASGORRA)
MEMBER(A)