

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
PRINCIPAL BENCH,  
NEW DELHI.

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(5)

Date of Decision: April 13, 1992.

OA 2975/91

GIRDHAR JEEWAN PATHAK

... APPLICANT.

Vs.

UNION OF INDIA & ANR.

... RESPONDENTS.

FOR THE APPLICANT

... SHRI O.P.G UPTA,  
COUNSEL.

FOR THE RESPONDENTS

... SHRI P.S. MAHENDRU,  
COUNSEL.

CORAM:

THE HON'BLE SHRI J.P. SHARMA, MEMBER (J).

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not ?

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J).)

The applicant, last worked as Assistant Station Master at Sarai Rohilla, opted for voluntary retirement from service and his prayer has been accepted by the respondents vide order dated 7.2.1992 w.e.f. 18.9.1991. The applicant has filed this OA on 15.11.1991 when the request for voluntary retirement was not accepted/communicated to the applicant. The applicant was given three months' notice and, therefore, the prayer was made

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in the OA that a declaration be made that the applicant has voluntarily retired from service and as a consequence thereof the applicant be paid retirement benefits i.e. pension, Provident Fund, Gratuity, General Insurance, Leave Encashment etc. with interest @ 19%.

2. The respondents filed the reply and stated in para -4(F) that Provident Fund, General Insurance and Leave Encashment have been paid to the applicant and now there is no dispute regarding these items.

3. The learned counsel for the applicant, as on earlier sitting of the Bench as well as today assailed the action of the respondents in not granting the commuted amount of pension/gratuity and pension itself. The matter was taken in the pre-lunch session. By that time the departmental representative could not reach from Bikaner, so, the matter has been listed after lunch session.

4. The learned counsel for the respondents, on the basis of the instructions from the departmental representative Shri M. Bhakkar, Law Assistant, gave the statement that the amount of DCRG along with commuted amount of pension has since been sanctioned and a Cheque thereof in the name of the applicant has already <sup>been</sup> dispatched by the DRM Office, Bikaner.

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5. Regarding the pension, that too has been sanctioned but because of the only Bank given by the applicant, which was not on the approved list, so, the necessary directions could not be issued to the said bank. The learned counsel for the respondents, therefore, has given a list of approved banks to the applicant asking that the necessary formalities for filling up the fresh forms to be filled up and the necessary directions be issued to the Bank <sup>be</sup> nominated by the applicant from the approved list.

6. In view of the above facts, there is no grievance now outstanding against the respondents except payment of interest.

7. The learned counsel for the applicant has insisted that the interest should be ordered to be paid. Award of interest on the late payment should normally be granted but in the present case firstly, the applicant has taken a premature retirement by a notice and the organisation of the respondents take sufficient long time to clear up the matter at various levels as the applicant during his tenure of service would have worked at various places and ultimately as Assistant Station Master, Sarai Rohilla. Thereafter this does not appear to be a case of any administrative <sup>lapses.</sup> lapses. The request of the applicant has been accepted in February, 1992 w.e.f. September, 1991.

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8. In view of the above facts, I do not find that any case for the grant of interest is made out. In the above circumstances, the application is disposed of in the manner that the relief claimed by the applicant stands allowed by the respondents themselves, and the application has become infructuous. Accordingly, the application is disposed of <sup>as dismissed</sup> with no orders as to costs.

J. P. Sharma

( J.P. SHARMA ) 13/4/92  
MEMBER (J)