

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 38/1991
T.A. No.

199

DATE OF DECISION 09-08-1991

Shri A.N. Gambhir PetitionerMs. Chandan Ramamurthi Advocate for the Petitioner(s)

Versus

The Secretary, Ministry of Water RespondentResources & AnotherShri K.L. Bhandula Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. KARTHI, VICE CHAIRMAN(J)

The Hon'ble Mr. B.N. DHOUNDIYAL, 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? *No*
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? */ No*

JUDGMENT(of the Bench delivered by Hon'ble Mr. P.K. KARTHI,
Vice Chairman(J))

The applicant who had rendered service under the undivided Punjab Government from 2.3.1931 upto 14.8.1987 had filed OA 1032/1986 in the Tribunal claiming that the said period shall be counted for the purpose of counting the pensionary benefits due to him. He had joined the Central Water and Power Commission in August, 1948 and after working in various capacities, finally retired as Deputy Director on 8.6.1989. The

O

said application was disposed of by judgment dated 9.6.1988, the operative part of which reads as follows:-

" In the circumstances, we direct that the service rendered by the applicant under the undivided Punjab Government from 2.3.1931 upto 14.6.1947 shall be counted for the purpose of computing the pensionary benefits due to him. As the applicant has been given some retirement benefits, that shall be adjusted and balance of the pensionary benefits together with interest shall be paid to him within a period of 3 months from the date of this order".

2. The respondents paid the arrears of DGR Gratuity, amounting to Rs.5315/- which the applicant received on 24.4.1989. There was a delay of $7\frac{1}{2}$ months after a period of 3 months from the date of judgment. Mr. found of Rs.62,813/- towards the arrears of pension on 23.5.1989, after a delay of $8\frac{1}{2}$ months. He has claimed interest at the rate of 18% per annum for the delayed payment to the tune of Rs.8608.62 and interest at the rate of 18% on the said amount of Rs.8602.62 from 25.5.1989 till date.

3. The respondents have stated in their counter-affidavit that there has been no inordinate delay in the finalisation and payment of the revised pension and DGR Gratuity in terms of the judgment dated 9.6.1988. They have stated that viewing the circumstances of the case, which is of old nature involving counting of service rendered by the applicant in the East Punjab

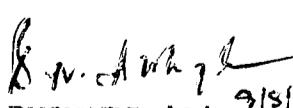
Q-

(3)

from 2.3.1931 to 14.8.1947, the delay in the payment of DCRG by $7\frac{1}{2}$ months and arrears of pension by $8\frac{1}{2}$ months is negligible and, therefore, liable to be dismissed. The above payments are only in the nature of arrears and on the arrears of such payments, ~~—~~ no interest accrues to the applicant as per rule 68 of Central Civil Service (Pension) Rules, 1972.

4. We have gone through the records of the case carefully and have considered the rival contentions. Normally, the Supreme Court "as a settled practice, has been making direction for payment of interest at 12% on delayed payment of pension" (vide O.P. Gupta Vs. Union of India and Others, 1987 SCC(I&S) 400 at 417). The delay involved in the instant case cannot be said to be reasonable or attributable to the applicant.

5. In the circumstances, we partly allow the application and direct the respondents to pay to the applicant simple interest at the rate of 12% per annum on the sum of Rs.5315 paid to him towards arrears of DCR Gratuity after a delay of $7\frac{1}{2}$ months and on the sum of Rs.62,813/- paid to him towards arrears of pension after a delay of $8\frac{1}{2}$ months. The respondents shall comply with the above directions within a period of two months from the date of receipt of this order. There will be no order as to costs.


(B.N. DHOUNDIYAL) 3/5(51)
MEMBER (A)


9/8/81
(P.K. KARTHA)
VICE CHAIRMAN (J)