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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 481 of 1991

New Delhi this the 17th day of May, 1995

Mr. A.V. Haridasan, Vice-Chairman(J)
Mr. K. Muthukumar, Member (A)

Shri Hari Prakash Saxena
R/o 1/39 Sadar Bazar,
Delhi Cantt-10.

... Applicant

By Advocate Shri P.T.S. Murthy

Versus

1. The Hon'ble Lt. Governor Delhi
through the Chief Secretary,
Delhi Administration,
5, Shyam Nath Marg,
Delhi.
2. The Director of Education,
Delhi Administration Delhi,
Old-Secretariat,
Delhi.
3. The Deputy Director of Education
District West Karampura,
Moti Nagar,
New Delhi.
4. The Principal,
Government Boys Sr. Sec. School No.1,
Delhi Cantt-10.

... Respondents

By Advocate Shri O.N. Trishal

ORDER (ORAL)

Mr. A.V. Haridasan, Vice-Chairman(J)

The applicant, who retired from service on 30.06.89
has prayed in this application for the following reliefs:-

- A. (i) Encashment value of 15 days E.L for working during
summer holidays, sanctioned already vide O.O. No.40.
- (ii) Amount of enhanced HRA, i.e., the difference between
HRA paid and payable for the period 1.4.86 to 30.09.86.
- (iii) Interest on the above delayed payments at the present
market (Bank) rates.
- B. Interest at 18% on Rs.19,251/- representing part
payment of gratuity which was paid on 26.03.90 (9
months).

- C. Interest on encashment of 221 days leave salary of Rs. 28,270/- for a period of 3 months and 20 days.
- D. Pay and allowances at the rates last drawn together with interest for a period of 7 months and 16 days, i.e., from 1.7.89 to 16.2.90 during which the applicant was made to work after his retirement.

The respondents resist this application. When the application came up for hearing today, the counsel for the applicant requested that in regard to claim under Item No. D of paragraph 8, the applicant may be allowed to withdraw this application with liberty to pursue the matter with the department. Thus the request is not opposed by the learned counsel for the respondents. Therefore, in regard to the prayer made in D in paragraph 8 of the application is closed as withdrawn with liberty to the applicant to pursue the matter departmentally. Therefore, we are concerned with the claim of the applicant for encashment of 15 days E.L., difference in the HRA paid, the interest on the delayed payments of the above as also the claim for interest on Rs. 19,251/- towards gratuity which was paid on 26.03.90, as also the interest on 221 days leave salary paid on 28.10.89. Regarding E.L., no claim for 15 days has been determined by the respondents. However, 10 days E.L. and the encashment value thereof has been paid to the applicant on 24.08.94. Therefore, on this count, the ^{subsistence} claim of the applicant is only for the interest. The difference in HRA has also been paid on 31.12.90 while the difference in HRA in the case of all other employees were paid on 11.6.90. An amount of Rs. 19,251/- as gratuity was paid to the applicant only on 26.03.90 and payment of Rs. 28,270/- , i.e., the encashment value of E.L. was paid to the applicant on 21.10.1989. The learned counsel for the applicant argued that as the respondents were well aware of the fact that the applicant would be

retiring from service on 30.06.89, they should have processed ^{the} records and made payment of gratuity and the other entitlements immediately on his retirement and, therefore, the applicant is entitled to interest at the market rate of 18% per annum from the date of his retirement.

The learned counsel for the respondents on the other hand contends that the payment happened to be delayed for the reason that the applicant has delayed in handing over charge of Library for the period 7 months and 16 days.

Having heard the learned counsel for the parties, we are of the considered view that there was no justification in delaying the payments to the applicant beyond a period of 3 months from the date of his retirement. If the applicant had not handed over the charge, the department should have taken steps to get it handed over in due time. The office order permitting his retirement clearly states that he would stand relieved on 30.06.89. Therefore, inordinate delay in making payments of his terminal benefits cannot be said to be justified.


Coming to the individual items, the encashment value of E.L. for 10 days was paid to the applicant on 24.08.94. On this count we are of the view that the applicant should get interest from 1.10.89 till the date of payment. The difference in HRA amounting to Rs.2638/- was paid to the applicant only on 31.12.93 whereas the difference in HRA was due to be paid on 11.6.90 as the same was paid to all other employees on that date. So the applicant is entitled to get interest on this amount from 11.6.90 to 31.12.93 when it was paid. An amount of Rs.19,251/- was paid


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to the applicant on 26.03.90. The applicant is entitled to get interest on this amount from 1.10.89 till the date of payment. The applicant has claimed interest on the encashment value of 221 days of leave salary amount to Rs.28,270/- as the same was paid to him on 21.10.89 .

As the respondents have taken only few days after 3 months, we are of the view that the applicant is not entitled to any interest on this amount. The applicant has prayed for the interest on market rate of 18%. We are of the considered view that it will meet the ends of justice if the applicant respondents are directed to pay interest to the applicant at the rate of 12% per annum.

In the result, the application is disposed of with the direction to the respondents to pay interest at the rate of 12% per annum on the delayed payments for the period mentioned in the aforesaid paragraphs. They should carry out the directions within a period of 3 months from the date of communication of this order. No costs.


(K. MUTHUKUMAR)
MEMBER (A)


(A. V. HARIDASAN)
VICE CHAIRMAN (J)

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