

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO.715/91

DATE OF DECISION: 19.9.1991.

SHRI A.C. AGGARWAL

..APPLICANT

VERSUS

UNION OF INDIA

..RESPONDENTS

CORAM:

THE HON'BLE MR. B.S. SEKHON, VICE CHAIRMAN

THE HON'BLE MR. I. K. RASGOTRA, MEMBER (A)

FOR THE APPLICANT

IN PERSON

COUNSEL FOR THE RESPONDENTS

SHRI A. TARIQUE

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE  
MR. I.K. RASGOTRA, MEMBER (A))

In this application, filed by Shri A.C. Aggarwal, under Section 19 of the Administrative Tribunals Act, 1985 a short question relating to payment of interest for the period of delay in making payment of death-cum-retirement gratuity (DCRG for short) has been raised. According to the applicant and as per the calculations given at Annexure A-7 to the application the amount of interest so claimed amounts to Rs.917/- only.

The case of the applicant is that the delay in payment of DCRG took place on account of the following reasons:

- a) Non-issuance of no demand certificate.
- b) Ignorance about rules regarding calculation of pension and DCRG.
- c) Incorrect calculation of interest payable by the applicant on house building advance taken by him.

2. The stand of the respondents taken in their counter affidavit is that it was the duty of the retiring

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officer to clear all Government dues before the date of his retirement. Where a Government servant does not clear the Government dues an equivalent amount is deducted from the DCRG. In the present case the applicant retired on 30.6.1987 and he could submit complete details of the amount recoverable from him only by 30.6.1987. Accordingly, the respondents submit that the delay in payment of DCRG arose on account of delayed supply of complete particulars of recoverable amount from the applicant.

3. The applicant has filed a rejoinder.

4. We have heard the applicant in person and Shri A. Tarique counsel on behalf of the respondents. We find that the amount recoverable from the applicant comprised the following:-

- i) the interest recoverable on house building advance.
- ii) Some charges on account of private use of telephone.

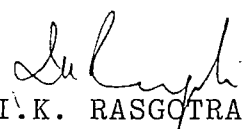
We also find that the pension and the DCRG at the applicable rates was paid to the applicant in three stages involving considerable delay in making final payment. As far as the interest on house building advance is concerned, it is the responsibility of the respondents to calculate the amount correctly and recover the same before the Government servant's retirement. On the other hand, it appears that the respondents expected the applicant to calculate the interest payable on the house building advance. Eventually, however, it is seen that the respondents refunded excess recovery of an amount of Rs.4,321 on account of the interest on house building advance. We are also not impressed by the explanation given for calculating the amounts due to the applicant in different stages culminating in the final calculation as per revised rates applicable. The delay in payment of DCRG

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therefore is squarely on account of the lack of interest shown by the respondents in settling the dues of an officer retiring after rendering long service. In fact the respondents attitude reflects a complete disregard for the instructions of the Government of India envisaging that every retiring officer should be paid settlement dues on the date of his retirement. It is for this reason that process for completing of necessary papers of pension, DCRG etc. and calculating amount recoverable starts 18 months to 24 months in advance of the date of retirement. If the respondents had acted with alacrity and in accordance with the extant rules there is no reason why the applicant should not have been paid settlement dues on the date of retirement thereby avoiding the unnecessary harassment to him. The delay in payment is attributable to the remissness of the respondents. Thus we uphold the claim of the applicant. It may, however, be added that the applicant has calculated the interest claimed by him at the rate of 5% although the rate of interest of the DCRG in case of delayed payment is 7% upto one year and 10% thereafter.

Keeping in view the facts of the case we observe that this is a fit case where costs should be awarded to the applicant. We, accordingly, order that the respondents shall pay an amount of Rs.500/- towards costs to him. In fine respondents are hereby directed to pay Rs.1417/- (Rs.917+500) within a period of 8 weeks from the date of communication of this order, failing which the respondents shall have also to pay interest at the rate of 12% on Rs.1417/- from today till the date of actual payment.

  
(I.K. RASGOTRA)

MEMBER(A)

19.9.91.

  
(B.S. SEKHON)

VICE CHAIRMAN

19.9.91.