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Central Administrative Tribunal
Principal Bench: New Delhi

OA No.886/91

Date of decision: 20.05.1993

Shri Chanchal Singh

...Petitioner

Versus

Union of India through the
Secretary, Ministry of Information
and Broadcasting, New Delhi

...Respondents

Coram: The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the petitioner

Shri Sanjay Kumar, proxy
Counsel for Shri E.X. Joseph,
Counsel.

For the respondents

None

J U D G E M E N T

The case of the petitioner is that he retired as Research Officer from the Ministry of Information and Broadcasting on 31.8.1984. His D.C.R.G. was withheld and was paid only on 12.3.1990. He has not been paid any interest on the D.C.R.G. By way of relief he has prayed that he may be paid interest at the rate of 18% per annum on the amount of Rs.32,010/- for the period from 1.9.1984 to 11.3.1990. He further prays that the respondents' letter dated 11.4.1990 advising him that his retirement gratuity was withheld in accordance with Rule 69(i)(c) of the Central Civil Services (Pension) Rules, 1972 till the conclusion of the judicial proceedings which were pending against him be set aside and quashed.

2. The respondents in their counter-affidavit have submitted that the applicant was convicted in criminal proceedings by the Special Judge vide order dated 30.3.1987 under Section 161 of I.P.C. and under Section 5(i)(d) read with Section 5(2) of Prevention of Corruption Act. It is admitted that the appeal against the judgement of the learned Special Judge is pending before the High Court of Delhi. According to the Department of Personnel and Administrative Reforms OM No.F.7(1)EV79 dated

2

9

-2-

11.7.1979 and No.1(4)PEN Unit/82 dated 10.1.1983 no gratuity is to be paid where disciplinary or judicial proceedings against a government servant are pending on the date of his retirement till the conclusion of the judicial proceedings and the issue of final orders. The DCRG in such cases is deemed to have fallen due on the date of issue of orders by the competent authority. When the Government servant is exonerated in judicial proceedings he is allowed the payment of interest. Conversely the interest is not payable where the government servant is not fully exonerated. In the present case the petitioner has been convicted and, therefore, the DCRG did not become payable till the orders were passed by the competent authority. The respondents have further brought out that the petitioner had filed another O.A. No.543/90, which is pending in the Tribunal. In that O.A. the petitioner is said to have challenged the cut imposed on his pension due to his conviction. The limited issue before me is in regard to the interest payable to the petitioner on the amount of DCRG. The claim of payment of interest is not covered under the Rules in a case where the Government servant is convicted as he himself is responsible for the delay. The petition, therefore, fails and is accordingly dismissed. No costs.

San.

I.K. Rasgotra
(I.K. Rasgotra)
Member (A) 20/5/1993