

10

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.1220/2004

New Delhi this the 6th day of January, 2005.

HON'BLE MR. SHANKER RAJU, MEMBER (J)

Kesho Ram, SDE (Rtd.),
C/o Virender Singh Chauhan,
I-91, Harkesh Nagar,
P.O. Okhla Industrial Estate,
New Delhi-110020.

-Applicant

(By Advocate Shri B.K. Berera)

-Versus-

1. Union of India through the Secretary,
Ministry Communication,
Department of Telecommunication,
Sanchar Bhawan,
Ashoka Road,
New Delhi-110001.
2. General Manager Telephones,
District Muzafarnagar (UP).
3. Assistant General Manager (Adm.),
O/o General Manager Telephones,
Distt. Muzafarnagar (UP).

-Respondents

(By Advocate Shri V.S.R. Krishna)

ORDER (ORAL)

Applicant through this application who is a retiree has sought interest on delayed payment of retiral benefits.

2. Applicant had retired on superannuation on 31.7.1997 and had submitted application for final payment on 16.6.97. He has also submitted pension papers on 23.6.97. The following amounts have been paid to applicant on respective dates:

S.No.	Head	Amount	Date of payment/Cheque	Delay
1.	GI.S..	Rs.10848/-	13-08-99	2yrs 12 days
2.	G.P.F.	Rs.190044/-	17.08.99	2yrs 16 days
3.	Leave Encashment	Rs.82377/-	24.08.99	2yrs 23 days
4.	Pension Arrears	Rs.128197/-	25.8.99	2yrs 24 days
	(From 8/97 to 7/99.)			
5.	D.C.R.G.	Rs.148737/-	29.9.99	2 yrs 58 days
6.	Pay Arrears	Rs.90296/-	14.10.99	2 yr 64 days
	(1/90 to 31.7.97)			
7.	Commutated value	Rs.220665/-	3.3.2000	2 yrs 7 months
	Pension+ Rs.16526/- D.C.R.G.			
	(Arrears)			

3. In this view of the matter learned counsel for applicant while relying upon the decision of the Apex Court in **Dr. Uma Aggarwal v. State of U.P.**, 1996 III A.D. SC 65 contended that delay in calculation and disbursement without adhering to the time limit entails an interest of 12% per annum.

4. On the other hand, respondents' counsel contended that the application is barred by limitation as the impugned order is nothing but re-iteration of an earlier order passed on 23.12.2002. As applicant has failed to redress his grievance within one year the OA is barred by limitation and for want of any application for condonation of delay Section 21 of the Administrative Tribunals Act, 1985 attracts.

5. On merits as well, learned counsel for respondents contended that applicant despite reminded through various communications had failed to complete the pension papers and while referring to a letter written on

12

23.12.2002 it is contended that he has asked for computation of his earlier service to be added as a qualifying service and accordingly pension was settled after the receipt. As such, there is no inordinate and unjustifiable delay, which can be attributed to respondents.

6. I have carefully considered the rival contentions of the parties and perused the material on record. In so far as interest on delayed preparation of pension is concerned, applicant is himself responsible for not giving the particulars about the earlier service. As such the PPO, after the letter of applicant was made on 22.7.99 and pension was prepared only on 25.8.99. As such there is no delay attributable to respondents on that count.

7. However, in so far as GPF, leave encashment, DCRG, arrears of pay and commuted value are concerned, all the requisite paper work has been completed much before the date of retirement as per the rules. As such, Rule 68 of the CCS (Pension) Rules provides interest after three months from the date of retirement.

8. As regards limitation, though the respondents have referred in their impugned order a letter written on 23.12.2002, rejecting the request of applicant for interest but no such letter has been produced and it has not been established that the same has been communicated to applicant. Accordingly, limitation would start from 8.1.2004 and by this, application is within limitation under Section 21 of the Administrative Tribunals Act, 1985.

9. Moreover, in the matter of pay and allowances and pensionary benefits limitation would not be attracted as per the decision of the Apex Court in **S.M. Munawalli v. State of Karnataka**, 2002 (10) SCC 821.

10. There is no justifiable reasons or explanation tendered by the respondents on delayed payment of the remaining retiral benefits.

10. Having regard to the decision of the Apex Court in **Dr. Uma Aggarwal** (supra) OA is partly allowed. Respondents are directed to pay interest to applicant on the delayed retiral benefits except pension from 31.10.1997 till the amounts are actually paid along with simple interest of 12% per annum, within one month from the date of receipt of a copy of this order. No costs.

S. Raju
(Shanker Raju)
Member (J)

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