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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1283 of 2004

New Delhi, this the 15th day of April, 2005

HON'BLE SHRI M.K. MISRA, MEMBER (A)

Layak Ram Sharma
House No.F-6,
Nag Mandir Road,
Shastri Nagar,
Delhi.

....Applicant

(By Advocate : Shri M.K. Bhardwaj)

versus

Govt. of NCT of Delhi & Others
Through

1. Lt. Governor
NCT of Delhi,
New Delhi.
2. Commissioner of Police
Police Headquarters,
I.P. Estate,
New Delhi.
3. The Secretary,
Govt. of India,
Ministry of Home Affairs,
New Delhi.

....Respondents

(By Advocate : Mrs. P.K. Gupta)

O R D E R

The applicant – Shri Layak Ram Sharma filed this OA seeking the following reliefs:-

- (i) To direct the respondents to pay interest to the applicant @ 18% on the delayed payment as mentioned in Para 4.14 of the OA.
- (ii) To direct the respondents to settle all financial claims of the applicant and pay the same immediately.

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- (iii) To direct the respondents to pay the applicant extra pay for the period 8.9.1986 to 16.8.1987.
- (iv) To direct the respondents to pay the applicant the difference of provisional pension and normal pension.
- (v) Any other relief as this Hon'ble Tribunal deem fit and proper in view of the circumstances of the case."

2. Briefly the facts of the case are that the applicant was working with the Govt. of N.C.T. of Delhi. He retired as Inspector on superannuation on 31.5.1989. The grievance of the applicant is that he has not been paid interest at the rate of 18% per annum on the delayed payment and also he was not allowed extra pay for the period from 8.9.1986 to 16.8.1987 and payment of difference between the provisional pension and normal pension.

3. ~~That~~ ^{the} this Tribunal in OA No.2256/2002 vide its order dated 2.9.2002 in the case of the applicant directed that the respondents should take a final decision whether any inquiry is to be conducted against the applicant or not. If they arrive at the decision that no enquiry is to be conducted, then the retiral benefits be released as per the rules within three months from the date of receipt of a copy of the order.

4. Later on, the departmental inquiry against the applicant was dropped vide order dated 7.1.2004 and the suspension period from 8.9.1986 to 18.8.1987 was treated as to have been spent on duty for all intents and purposes. Thus, the learned counsel for the applicant averred that although the retiral benefits have been paid in respect of leave encashment, usual allowances, DCRG etc. on different dates but these payments were due since 31.5.1989 when the applicant retired from service. However, extra pay of Rs.2,500/- for the period from 8.9.1986 to 18.8.1987 is still payable

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to him. He has, therefore, prayed that on the delayed payment of retiral dues, interest at the rate of 18% per annum should be allowed to the applicant alongwith extra pay amounting to Rs.2,500/-.

5. The learned counsel for the respondents averred vehemently that there was no delay on the part of the respondents in making payment of retiral dues to the applicant because the decision to drop the disciplinary proceedings was taken on 3.1.2003 when the departmental inquiry was completed. Thus the applicant is not entitled to any benefit of interest.

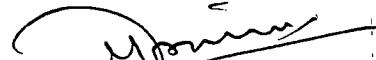
6. I have heard the learned counsel for both the parties at great length and perused the material available on record. It is observed that the disciplinary proceedings were dropped and the period of suspension was also regularised as having been spent on duty. It is also observed that retiral benefits have been paid to the applicant and there is no dispute about the principle amount of retiral benefits, which were due to the applicant. There is no dispute about the payment of such amount. The only question remains about the payment of extra pay of Rs.2,500/- and also the payment of interest on the delayed payment of retiral dues. It is settled law that the retiree would be entitled to normal interest rate on delayed payment on retiral dues, including the leave encashment etc. Therefore, the applicant would be entitled to interest at the rate of 9% per annum from the date the actual amount of retiral benefits become due till the date of actual payment of such benefits. The respondents are further directed to consider the claim of the applicant regarding the payment of extra pay for the period from 8.9.1986 to 16.8.1987 and payment of difference between the provisional

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pension and normal pension within a period of three months from the receipt of a certified copy of this order.

7. In result, OA is allowed. No order as to costs.



(M.K. MISRA)
MEMBER (A)

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