

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.1623 of 1992

This 7th day of June, 1994

(3)

Hon'ble Mr. B.K. Singh, Member (A)

Smt. Pushpa Mathur
w/o of (Late) Shri Surinder Narain,
E-3/7, Vasant Vihar,
New Delhi.

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Applicant

By Advocate: None present

VERSUS

1. Union of India, through
The Secretary,
Ministry of Urban Development,
Government of India,
Nirman Bhavan,
New Delhi.

2. The Director General of Works,
CPWD, Nirman Bhavan,
New Delhi.

3. The Superintendent Survey of Works,
New Delhi Zone-I, CPWD,
Nirman Bhavan,
New Delhi.

4. The Pay & Accounts Officer,
CPWD (New Delhi Zone),
Second Floor, I.P. Bhavan,
New Delhi

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Respondents

By Advocate: Shri M.M. Sudan

O R D E R

(By Hon'ble Mr. B.K. Singh, M(A))

This OA No.1623/92 was filed on 2.6.1992 and when on 29.6.92 it was placed for the first time before the Single Bench, the counsel for the applicant, Shri M.P. Sinha, informed the Court that the applicant in the meanwhile died on 8.6.92 and he requested for filing an amended OA through the legal heir of the deceased. The amended OA was filed on 18.12.92. This was admitted on the same day.

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2. The case was heard on 1.2.94 when the counsel for the applicant concluded his arguments. Since no one was present on behalf of the respondents on that day the case was adjourned to 4.2.94 when it was ordered to remain on board. It has remained on board since then. On 1.6.94 the learned counsel Shri M.M. Sudan concluded his arguments and also filed a written statement regarding retiral benefits, amounts due and payments made along with the dates. Where there was delay in payment, cogent reasons have been given to explain away the delay since it was not because of any lapse on the part of the administration but due to various missing entries either in the service book or missing credits etc.

3. This is a short matter regarding the payment of interest for delayed payments on the principal amounts under various heads. The application was dismissed in default but was restored later through MA No.3728/93. The learned counsels for the both parties have been heard and I have also gone through the pleadings on record.

4. It is not controverted that there was some delay in issuing the Pension Payment Order but the delay was not on account of the administrative lapse but because of certain missing entries in the service book of the original applicant, late Shri Surinder Narain. Even there were missing credits in regard to leave salary and pension contribution when he was on deputation to Ashoka Hotel and Delhi Development Authority. It was argued by the learned counsel for the respondents that unless these missing credits are all reconciled and these are credited to the account of parent department, neither the amounts nor any interest due on them can be considered for purpose of payment by the respondents. The O.M. No.F.11(3)-EV(A)/76, Govt. of India, M.O. Finance dated 28.2.1976 (copy enclosed with the rejoinder) is directory in nature. The ground reality is that the applicant

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is required to ensure that the deductions made in regard to leave salary, pension contribution etc., when one is on foreign service, are regularly remitted to his parent department. Similarly, in case of GPF contribution, if there are missing credits when one is on foreign service, it is for the employee concerned to ensure that these contributions towards GPF/Pension/Leave Salary are remitted to his parent department for being credited to his account. If one is not vigilant, he will neither be permitted to draw GPF/pension/leave encashment etc. till the missing credits are credited to the account of the parent employer who has to sanction these, nor would he be entitled to any interest on these since the delay will not be attributable to the respondents. The original applicant, who died on 2.6.92 had not ensured that the leave salary contribution, pension contribution and GPF amounts were all credited in time to his parent department and Shri M.M. Sudan, learned counsel for the respondents, has explained the delay and the delay cannot be said to be on the part of the respondents and as such they cannot be asked to pay interest if the said contributions were not received in time by the parent department.

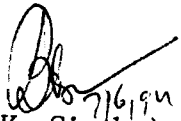
5. In view of the satisfactory explanation given by the respondents for delay in cases where objections were raised by the PAO in the papers concerning retiral benefits, as being incomplete, and subsequent removal of those objections by the applicant or his legal heir, there does not appear any justification for grant of interest. The service rendered by the original applicant in DDA and ITDC (Ashoka Hotel) had to be verified including leave availed of by him. In those cases where the contributions had not been paid, the matter had to be brought to the notice of the foreign employers. It was also imperative duty of the original applicant to ensure timely remittance of the various contributions from his foreign service employers. Pension was sanctioned only when various shortcomings were removed. Commutation also could be sanctioned only when the final pension was granted to the applicant. Leave encashment could be sanctioned only after verifying the leave availed of by him during his deputation to ITDC and DDA. Similarly,

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DCRG could be sanctioned only on the verification of the service rendered with the foreign service employers. The respondents have already paid interest to the tune of Rs.1654/- on the delayed payment of DCRG. The delay was also on account of the House Building Advance taken by the original applicant which had not been fully recovered till the period of his retirement and it also involved verification from ITDC and DDA. The Principal Amount along with interest due was Rs.16,752/- at the time of his retirement and this had to be adjusted before releasing the DCRG. Thus, the bonafides of the respondents are not in question. Whatever delay was there, it was because of certain deficiencies and shortcomings in the prescribed forms and documents concerning retiral benefits and also on account of non-remittance of pension contribution, leave salary contribution, and GPF contribution from the foreign service employers and also on account of verification of leave availed of by the original applicant when he was on deputation to ITDC and DDA.

6. Nothing survives in the OA after I have heard the arguments regarding payment of interest on delayed payments. The delay, except in case of DCRG, was not due to any administrative lapse but due to shortcomings, non-observance of formalities and deficiencies in the papers for retiral benefits. Where there was delay on the part of the administration, the respondents have paid interest on the delayed payment. I do not find that there was any lapse on the part of the respondents in case of sanction of pension, leave encashment and GPF and as such no further interest is admissible to the applicant and the application is therefore dismissed as devoid of any merit and substance and infructuous in the light of the statement filed by the respondents, which has been taken on record. The parties are left to bear their own costs.


(B.K. Singh)
Member (A)