

(5)

In the Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1769/92

Date of decision: 8.1.1993.

Shri G.D. Sharma

...Petitioner

Versus

Delhi Administration & Others

...Respondents

Coram:-

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

For the petitioner

In person

For the respondents

Shri Surinder Adlakha,
Counsel.

Judgement(Oral)

The learned counsel for the respondents has furnished the details of the amounts authorised to be paid/paid to the petitioner. A copy thereof has been furnished to the petitioner. Annexure R-1 is an order in terms of which the competent authority has approved the period of suspension of the petitioner w.e.f. 5.5.1979 to 30.11.1980 being treated as spent on duty. The order also directs the Director (Social Welfare), to take consequential action in this regard. The Annexure R-3 is an order dated 23.12.1992 which authorises payment of final pension, D.C.R.G. and commutation of pension. The calculation sheet annexed to Annexure R-3 indicates that the petitioner has been sanctioned pension at the rate of Rs.2,219/- per month and family-pension at the rate of Rs.675/- per month. Commutation of one third pension amount- to Rs.92,759/- has also been included in the said order. Thus all the reliefs prayed for have been provided to him.

2. There has been substantial delay in payment of retirement benefit to the petitioner, as he retired from

service on attaining the age of superannuation on 30.6.1991. The petitioner, therefore, prays that he should be paid interest from the date of retirement to the date of actual payment. However, from the enclosure A-1 to the OA, I find that the petitioner himself was responsible for the delay in the sanctioning of the retiral benefits etc. as he filed the pension papers only on 5.6.1991, i.e., about a week in advance of his date of retirement. The process of sanctioning pension in accordance with the rules commences 18 to 24 months in advance before the date of retirement. All formalities in this behalf should have been completed by the petitioner at least six months in advance to enable the competent authority to send authorisation to paying authorities. In the circumstances the delay in sanctioning the retiral benefits to the petitioner cannot be attributed to the respondents alone. From the counter-affidavit it is also seen that there have been some disciplinary cases contemplated/initiated against the petitioner. Keeping in view the totality of the circumstances, I am not inclined to issue any direction to the respondents for payment of interest for the period of delay. The petitioner further submits that while other payments have been authorised to be paid or paid the amount due to him on account of Central Government Employees Group Insurance Scheme has not been paid. I direct the respondents to pay this amount as early as possible but preferably within a period of six weeks from the date of communication of this order. If the said payment is not made, the respondents shall be liable to pay interest to the petitioner at 12% per annum for the delayed period.

3. The O.A. is disposed of, as above. No costs.

San.


(I.K. RASGOTRA)
MEMBER(A)