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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
* * *

O.A. No.2266/92

03.12.1992

Sh.C.L. Raizada

...Applicant

Vs.

Union of India & Ors.

...Respondents

CORAM :

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Shri M.M. Sudan

For the Respondents

...Shri O.N. Trishal

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT (ORAL)

Shri C.L. Raizada, the applicant retired on 31.3.1991 from the post of Deputy Director, Union Territory Civil Service (UTCS) on superannuation. However, before his retirement, he has been served with a chargesheet by the memo dt. 18.3.1991 and in view of this chargesheet under the provisions of Rule 69 of the CCS (Pension) Rules, 1972, his DCRG and other retirement benefits were not paid to him though he was in receipt of provisional pension according to the extent rules. Ultimately, in the chargesheet served on the applicant, a departmental enquiry was held and by the order dt.13.3.1992, the applicant was exonerated from the charges levelled against him. It is only thereafter that the retirement benefits of the applicant were calculated and paid on 13.4.1991. The applicant in this application has prayed

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that since there is a delayed payment of huge amount of DCRG for a period of more than one year, so he should be allowed interest as per Extant Rules, as also given out in the decision at the bottom of Rule 69 of CCS (Pension) Rules, 1972 at p-149 of the Swamy Compilation.

The respondents contested the application on the ground on the basis of the pleadings and filed the reply to the application stating that the applicant is not entitled to interest because there has not been undue delay nor there was any administrative lapse which may entitle the applicant for grant of interest. The learned counsel for the respondents has also referred to the fact that under CCS (Commutation of Pension) Rules, 1981, the amount of commutation is payable on the date on which the Government servant applied or the pension is authorised, whichever is later. In this case, he has been authorised from the date of the retirement. So the commutation value has been assessed on that very date. It is also stated that the applicant is not entitled to any interest on this amount also.

I have heard the learned counsel for the parties at greater length. In view of the admitted position that the applicant was in receipt of provisional pension till an order for commutation of pension was passed, it will amount to an unnecessary enrichment of the applicant if now interest is allowed on the delayed payment of the commuted amount of pension. What the applicant has received in monthly

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instalments, has been paid to him subsequently as commuted value of the pension with a right to get refunded the amount paid to him in excess of the monthly pension after commutation. Thus on the principles of law as well as natural justice, the applicant cannot be allowed interest on the delayed payment on the commuted value of pension.

As regards the delayed payment of DCRG, I think that there should not be much controversy in view of the Government of India decision referred to above on the basis of quota as well as fair play. It was no fault of the applicant of not getting the DCRG on the date of his retirement or soon thereafter. It was because of the proposed departmental inaction and the service of a chargesheet only 15 days before his retirement on superannuation that the regour of Rule 68 of CCS (Pension) Rules 1972 has come into play and DCRG was not paid to him. When the applicant was exonerated, then he should not be denied the benefit which otherwise was available to the other similarly situated officials. In view of this fact, the claim for award of interest from 1.4.1991 till the date of payment of DCRG, i.e., till 13.4.1992 is made out.

In view of the above facts and circumstances, the application is, therefore, partly allowed and the respondents are directed to pay interest to the applicant @12% p.a. from 1.4.1991 till 13.4.1992 on the amount of DCRG within a period of three months from the date of receipt of a copy of this

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judgement. The prayer for grant of interest on commuted value of pension is disallowed. In the circumstances, the parties shall bear their own costs.

J. P. Sharma
(J.P. SHARMA) 3+1230
MEMBER (J)
03.12.1992