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

* * * *

Date of Decision: 25.08.92.

QA 1089/92

R.S. SOLANKI

... APPLICANT.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

THE HON'BLE SHRI J.P. SHARMA, MEMBER (I).

For the Applicant

... SHRI L.C. RAJPUT.

For the Respondents

... SHRI S.S. BHARDWAJ,
departmental representative

1. Whether Reporters of local papers may be
allowed to see the Judgement ?

2. To be referred to the Reporters or not ?

JUDGMENT (ORAL)

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (I)).

The applicant is a retired Principal and in the application under Section 19 he has prayed for the grant of terminal benefits which have not been paid to him inspite of representation to the respondents vide letter dated 4.5.91 while he retired on 31.1.91. Notices were issued to the respondents but no reply has been filed by them inspite of the fact that three opportunities have been given for the purpose. The departmental representative Shri S.S. Bhardwaj, UDC, is present and states that the terminal benefits due to the applicant have since been sanctioned and arrangement for the payment of the same has been made. The learned

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counsel for the applicant also stated that he has received the terminal benefits and by virtue of this the relief claimed by him in para 8 as relief (i), (ii) & (iii) stands satisfied. However, since the respondents have not paid the terminal benefits immediately after retirement of the applicant or within the reasonable period, so the applicant is also entitled to interest on delayed payment of gratuity and the pensionary amount.

I do not find that there is any need to give further time to the respondents on this issue. When the respondents have themselves paid the terminal benefits, it is evident that there was no hurdle statutory or otherwise to withhold the terminal benefits. When there are administrative lapses on the part of the respondents, not supported by administrative instructions or orders then the claim for interest by a retired employee on the terminal benefits should not be denied.

In view of the above facts the relief (iv) of the application is also allowed and the respondents are directed to pay interest @ 10% per annum on the amount of gratuity as well as on the arrears of commuted portion of the pension commencing six months after retirement of the applicant i.e. from 1.4.91. I have supported my view by the authority of *State of Kerala vs M. Padmanabhan Nair* 1985 S.C.C.P. 429. ✓

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In view of the above facts, the application is disposed of as follows:

- a) The reliefs of para 8 (i), (ii) & (iii) becomes infructuous by virtue of the applicant having received the payment, as prayed for.
- b) The releif (iv) is decided in the manner that the respondents are directed to pay interest on the gratuity as well as the commuted amount of pension from 1.4.91 till the date of payment.

Claim for cost, in the circumstances of the case, is not allowed and the parties are directed to bear their own costs.

Jomane.

(J.P. SHARMA)
MEMBER (J)
25.08.92