

In the Central Administrative Tribunal
Principal Bench, New Delhi

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No. OA-1118/93

Date: 4.8.1993.

Shri D.R. Nim Applicant

Versus

Union of India Respondents

For the Applicant In person

For the Respondents Shri Vinay Sabharwal, Advocate

CORAM: Hon'ble Mr. J.P. Sharma, Member (Judl.)

1. To be referred to the Reporters or not?

Single Bench (Oral)

(Judgement by Hon'ble Mr. J.P. Sharma, Member)

The applicant appeared in person. His grievance is that he retired on superannuation as Vice-Principal on 31.7.1991 while working in Delhi Administration with the Directorate of Education, Delhi and his DCRG was not paid soon after and had allegedly been withheld on account of certain pending enquiry under Rule 16 of CCS(CCA) Rules, 1965. The amount of DCRG was, however, paid some time in December, 1991, but without any interest, which is admissible to the applicant under the extant rules.

2. The notice was issued to the respondents and the departmental representative, Shri Khairati Lal, Head Clerk, is present. No reply has been filed, nor is the application being contested.

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3. I have heard the applicant and his grievance appears to be genuine. In the celebrated authority of the State of Kerala Vs. M. Padmanabhan Nair, the Hon'ble Supreme Court has held that the interest should be payable to the applicant two months after retirement. The respondents, therefore, should have paid the interest on the withheld amount of gratuity after 1st October, 1991 till the date of payment.

4. The present application, therefore, is allowed with a direction to the respondents to pay interest at the rate of 10 per cent per annum w.e.f. 1.10.1991 till the date of payment on the amount of DCRG which remained unpaid within three months from the date of receipt of a copy of this judgement. No costs.

J. P. Sharma
(J. P. Sharma)
Member(J)