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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 2114 of 1993

New Delhi this the 2nd day of January, 1996.

HON'BLE SHRI N. V. KRISHNAN, ACTING CHAIRMAN  
HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)

Smt. Nirmal Anand  
W/O Vash Dev Anand,  
R/O House No. WZ-8c/13,  
New Mahabir Nagar,  
P.O. Tilak Nagar,  
New Delhi-110018.

... Applicant

( By Shri A. K. Bhardwaj, Advocate )

-Versus-

1. Secretary to the Government  
of India, Ministry of Foreign  
Trade, Udyog Bhawan,  
New Delhi.
2. Director General Foreign Trade,  
Ministry of Foreign Trade,  
Udyog Bhawan, New Delhi.
3. Joint Director General Foreign  
Trade, Central Licensing Area,  
6-7 Asaf Ali Road,  
New Delhi.

... Respondents

( By Shri K. C. D. Gangwani, Sr. Govt. Standing  
Counsel )

O R D E R (ORAL)

Shri N. V. Krishnan, Acting Chairman —

This O.A. has been filed as a sequel to an earlier O.A. No. 561/1988 decided in favour of the applicant on 7.8.1991, by the Annexure A-1 order of the Tribunal. In the present O.A., the applicant seeks consequential benefits for the period from 1.4.1988 to 31.8.1991, (wrongly mentioned as 31.8.1993) in accordance with the Tribunal's judgment referred to above, as well as the interest on the delayed payments due to him.

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2. Shortly stated, the applicant had sought voluntary retirement from service from 31.3.1988. Though the applicant sought withdrawal of the letter seeking voluntary retirement, she was not permitted to do so. It is against that decision that O.A. No. 561/88 was filed which was allowed on 7.8.1991. By the time that order was served on the applicant she had superannuated on 31.8.1991. The Tribunal held that the respondents were not justified in not acceding to the applicant's request and accordingly, it was directed that the applicant should be put back to her job with all consequential benefits and should be treated in the job from 1.4.1988, except that for the period of absence from 1.4.1988 no salary would be paid. The contention of the applicant is that she is entitled to consequential benefits in terms of this order of the Tribunal.

3. The respondents have stated that there is no basis for this application. It is pointed out that against the order of the Tribunal, the ~~respondents~~ <sup>applicant</sup> had filed SLP in the Supreme Court. That SLP has been dismissed on 25.2.1992. The learned counsel for the respondents submitted that he does not have a certified copy though he has a copy in his record. Learned counsel for the applicant, however, states that he has no information about the dismissal of the SLP but he has no objection if the O.A. is now disposed of on the <sup>dump</sup> ~~assertion~~ that the SLP has been dismissed on 25.2.1992. We, therefore, proceed to pass final orders in this case.

4. The only issue that now remains today is about the delay in payment of the retirement dues. The

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learned counsel for the respondents has furnished necessary information, according to which, the date of superannuation of the applicant is 31.8.1991. The date of dismissal of the SLP is 25.2.1992 and the date of passing a formal order of retirement is 23.3.1992.

5. The following dues have been paid :-

- |   |             |
|---|-------------|
| 1. DCRG on 8.1.1993                         | Rs. 23180/- |
| 2. Commutation value of pension on 8.1.1993 | Rs. 30376/- |
| 3. Leave encashment on 19.1.1993            | Rs. 5032/-  |
| 4. GPF withdrawal on 23.3.1993              | Rs. 32674/- |
| 5. Interest on GPF upto 2/92 on 22.3.1993   | Rs. 18278/- |

6. We have heard the learned counsel for the parties. We are of the view that the filing of the SLP does not shake the date of retirement and, therefore, the respondents could have acted in accordance with rules in this regard. At any rate, after the SLP was dismissed on 25.2.1992 and the order ~~of the order~~ of retirement was passed on 23.3.1992, there was no ground for any further delay. We are of the view *unless the rules permits otherwise,* that the dues should have been cleared within one month from the date of passing the orders of retirement, that is, on or before 23.4.1992; for the sake of convenience, we take it as on or before 1.5.1992.

7. The learned counsel for the <sup>*respondent*</sup> ~~applicant~~ states that in so far as the gratuity is concerned, even under the law, the respondents had three months' time. We take note of this submission. In the circumstance, we are of the view that in respect of other dues, the applicant is entitled to interest from 1.5.1992 upto



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the actual payment at the rate of 12% and in respect of the DCRG alone the interest is liable to be paid from 1.7.1992. In so far as the GPF is concerned, interest has been paid only upto February, 1992.

ll Interest shall now be paid from February, 1992 upto <sup>23<sup>rd</sup> March</sup> ~~April~~, 1993. These directions shall be complied within a period of two months from the date of communication of this order.

8. The O.A. is disposed of accordingly. No costs.

*Lakshmi Swaminathan*

( Smt. Lakshmi Swaminathan )  
Member (J)

*N. V. Krishnan*  
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( N. V. Krishnan )  
Acting Chairman

/as/