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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 53/93

DECIDED ON : 18.3.1993

Mahabir Prashad

... Applicant

Vs.

Lt. Governor, Delhi & Ors.

... Respondents

CORAM :

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

Shri S. C. Mehta, Counsel for Applicant

Shri S. R. Sharma, UDC, Departmental
Representative for the Respondents

J U D G M E N T (ORAL)

The applicant retired from the post of Superintendent (Education) from the Directorate of Education, Delhi Administration on 31.12.1990. However, on the date of his retirement he was served with a memo of chargesheet and Shri J. D. Verma, Commissioner for Departmental Inquiries, C.V.C., was appointed as inquiry officer who submitted his inquiry report dated 26.7.1991 holding that the charge against the applicant had not been proved. This report of the inquiry officer was accepted by the Chief Secretary, Delhi Administration vide order dated 9.3.1993. Because of this impending inquiry against the applicant his retirement benefits including the pay/salary for the month of December, 1990 remained unpaid. The applicant had made a representation to that effect but to no avail. The present application has been filed on 18.1.1993 in which the applicant has prayed for the following reliefs :-

- (1) Grant of ^{regular} pension by issuing a permanent pension payment order inspite of the provisional pension payment order w.e.f. 1.1.1991 with arrears of pension etc.
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- (2) DCRG due to the applicant along with 24% interest w.e.f. 1.1.1991.
- (3) Commuted value of pension admissible under rules along with 24% interest w.e.f. 1.1.1991.
- (4) Salary for the month of December, 1990.
- (5) Arrears of DA and bonus payable as per rules and also the cost of this application.

2. Notice was issued to the respondents but no formal reply has been filed. However, the counsel for the respondents Shri Madan Ghera appeared in the pre-lunch session though he was not present when the first call in the case was given, when the counsel for the applicant was present. Since the learned counsel for the respondents was not available the matter was adjourned till after lunch, when the learned counsel for the applicant was asked to be present for hearing of this case. Learned counsel for the respondents appeared just when the Bench was to rise for lunch and stated that he could not be available after lunch but that he will instruct the departmental representative present here. The amount of DCRG has been paid ~~has been paid~~ except a sum of Rs.1,000/- has been withheld; the salary for December, 1990 has also been paid; the amount of commutation of pension has also been paid; and permanent pension payment order has also been issued in the name of the applicant. So, nothing survives in the present application. However, the learned counsel at that time was asked since there was delay in payment not because of any administrative lapse but because of not taking prompt action even after the exoneration of the applicant in the departmental inquiry, so as provided under the statutory rules, the applicant shall be entitled to interest on the delayed payment of the terminal benefits. The learned counsel for the respondents, however, also given out that the withheld amount of Rs.1,000/- shall be released in favour of the applicant.

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3. Learned counsel for the applicant is satisfied if the respondents pursue the matter with the Central Pension Accounting Office, Ministry of Finance, Department of Expenditure to send proper authenticated record of pension to the concerned bank as it appears that these documents has been mis-sent to Allahabad treating them to be of one Babu Lal. The departmental representative present, however, stated that the function of the Delhi Administration is only to issue PPO and rest of the work is to be completed in the aforesaid Central Pension Accounting Office which is not under their control. However, in the special circumstances of the case, the Delhi Administration is directed to pursue the matter with the Central Pension Accounting Office to send the duplicate or the photostat copy of the originals which have been mis-sent to the concerned bank so that the applicant may utilize the PPO received by him and may effectively withdraw the amount of retirement benefits of pension etc. due to him. The second relief which is claimed by the applicant is regarding the payment of gratuity. The gratuity has already been paid on 8.2.1993 but since the applicant was under a clout of inquiry it was not paid at the time of retirement, i.e., 31.12.1990. However, this amount ^{should} ~~may~~ be paid to him when he was exonerated vide order dated 9.3.1992. In the circumstances of the case, the applicant is entitled to award of interest on the withheld amount of gratuity three months after the date of retirement till the date of payment, i.e., the amount of interest will be calculated with interest at the rate of 12% p.a. from 1.3.1991 to 8.2.1993 and the said amount shall be paid by the respondents within a period of three months.

4. Regarding commuted value of pension, the same has been paid to the applicant on 8.2.1993. Similarly, the commutation amount which has been paid to the applicant should have been paid within six months of the retirement but it has been paid on 8.2.1993. So the applicant shall be entitled to interest on this account also at the rate of 12% per annum w.e.f. 1.6.1991 till the date of payment, i.e., 8.2.1993.

5. The salary for the month of December, 1990 has been paid on 6.1.1993 and there is a note in the departmental file that the payment of DA admissible on the date of retirement has also been added to the salary of December, 1990. So, this relief also stands allowed to the applicant but in the circumstances of the case, no interest is awarded to the applicant. Regarding payment of bonus also the applicant did not come within the range of award of bonus.

6. In view of the above facts and circumstances, the present application is disposed of in the following manner :-

(a) The respondents are directed to pay the withheld amount of Rs.1,000/- of DCRG to the applicant and also calculate the interest on the whole of DCRG from 1.3.1991 till the date of payment, i.e., 8.2.1993 at the rate of 12% per annum and pay the same to the applicant within a period of three months from the date of receipt of a copy of this order.

(b) The respondents are further directed to pay interest on the commutation of pension from 1.6.1991 to 8.2.1993, i.e., the date of payment at the rate of 12% per annum within three months from the date of receipt of a copy of this judgment.

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(c) The claim of the applicant for award of interest on the salary of December, 1990 etc. is disallowed.

(d) The permanent pension payment order has already been received by the applicant but the Central Pension Accounting Office, Ministry of Finance, Department of Expenditure, has mis-sent the documents. So the respondents are directed to pursue the matter and the documents should be got properly addressed to the concerned bank so that the applicant may make effective withdrawal on the basis of PPO from the said bank.

There will be no orders as to costs.

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(J. P. Sharma)
Member (J)

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