

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 262 of 1996

Allahabad this the 8th day of May 1998

Hon'ble Mr. D.S. Baweja, Member (A)

Krishna Mohan, M.E.S. No. 232004, aged about 60 years,  
S/o Late Mohan Lal Sharma, R/o 4 A/1, Drummond Road,  
Allahabad.

Applicant

By Advocate Sri Rakesh Verma

Versus

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. Engineer-in-Chief(M.E.S.), Kashmir House, Army Head Quarters, HQ, New Delhi-110011.
3. Joint Controller of Defence Accounts(Funds), Meerut Cantt.
4. Garrison Engineer(West), (M.E.S.), Allahabad.

Respondents

By Advocate Sri N.B. Singh

O R D E R

By Hon'ble Mr. D.S. Baweja, Member (A)

This application has been filed seeking the relief of payment of interest at the rate of 18% per annum for delay in payment of Central Government Group Insurance Scheme(C.G.G.I.S. for short), leave encashment and General Provident Fund (for short G.P.F.).

2. The applicant while working under Garrison Engineer(West), Allahabad retired from service on 31.7.93. The applicant submits that payment of G.P.F., leave encashment and the amount of C.G.G.I.S. were not made on the date of retirement. These payments have been made subsequently as detailed below;

Items	Amount	Date of Payment
1. G.P.F.	Rs. 62,926-00	22.10.1993
2. Leave Encashment	Rs. 50,432-00	30.11.1994
3. C.G.G.I.S.	Rs. 08,820-00	12.10.1993

The applicant contends that as per the extant rules, the above referred payments were required to be made on the date of retirement. However, these payments have been delayed with no fault of the applicant and, therefore, he claims that he is entitled for payment of interest for the delayed period. The applicant further submits that he made a representation for payment of interest on 15.3.94 followed by the reminders, on 22.2.1995 and 10.8.95. Being aggrieved, the present application has been filed on 23.2.96.

3. The respondents have contested the claim of the applicant through counter-affidavit. The respondents admit the dates of payment of the various settlement dues as indicated by the applicant. The respondents further submit that gratuity and pension was paid to the applicant on the due date. However, there has been some delay in payment of the other settlement dues, payment of which was processed after the retirement. The respondents submit that in case of G.P.F., the payment was delayed

as the applicant submitted application only on 17.7.93, which should have been submitted 3 months before the date of retirement. In respect of payment of insurance, the respondents contend that delay is less than 3 months. The respondents contend that the applicant is not entitled for the reliefs prayed for and O.A. deserves to be dismissed.

4. The applicant has filed the rejoinder-affidavit, controverting the submissions of the respondents and reiterating his averments made in the O.A. The applicant refutes the submission of the respondents that the application for G.P.F. was submitted late by the applicant.

5. Heard, Sri Rakesh Verma, learned counsel for the applicant and Sri S.K. Anwar proxy counsel to Sri N.B. Singh, learned counsel for the respondents. During the arguments, the respondents raised the objection that the application is barred by limitation. The material brought on record has been also carefully gone through.

6. The respondents have raised the plea of limitation during the hearing. The applicant contested this objection stating that the limitation is to be considered from the date of the payment and taking that into account, the application has been filed within the period of limitation. On going through the facts of the case, I am not inclined to subscribe to the contention of the respondents. The last payment has been made during November, 1994 and thereafter also the applicant has represented in February, 1995. The present O.A. filed in 1996 is, therefore, not barred by limitation.

7. From the rival averments, it is admitted fact that payment of the balance amount of G.P.F., Leave Encashment and C.G.G.I.S. were paid subsequent to the retirement on various dates indicated by the applicant and admitted by the respondents. The only short question involved to be answered --- is whether the applicant is entitled for payment of the interest for delay in payment of the settlement dues under reference. From the averments of the respondents in the counter-affidavit, it is noted that payment of the settlement dues under reference has been only processed subsequent to the retirement. The respondents have not cited any rules under which the payment of these dues was to be made after retirement. It is noted, though there is a delay of few months in the payment of C.G.G.I.S. and the G.P.F. amount but the payment of leave encashment has been made after more than 16 months. The respondents have not come out with any cogent reasons for delay in payment. The only averments made is to that--- the processing of the payments under reference <sup>was done</sup> after the date of retirement. The applicant has submitted that the payment of dues under reference was to be arranged on the date of retirement. I am inclined to agree with the same. <sup>Therefore,</sup> In the absence of any cogent reasons to explain the delay, I am of the opinion that the payment of dues has been delayed and the applicant deserves to be compensated for the same by way of payment of interest. The applicant has claimed the interest of 18% per annum. However, referring to the order of the Full Bench in the case of 'Bal Chandra Chintaman Gadgil Vs. Union of India of Others 1997(2) A.T.C. 303', I allow the payment of interest of 12% per annum for the delayed period. The compliance of this order shall be done within a period of 3 months from the date of receipt of this order.

OR

M. A 2355

3561

:: 5 ::

8. Keeping in view the above deliberations, the O.A. is allowed with the direction given in para-7 above. No order as to costs.

*[Signature]*  
Member A

/M.M./

re