

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT NAINITAL, U.A.

Nainital this the 25th day of April, 2003.

Original Application No. 21 of 2001.

Hon'ble Maj. Gen. K.K. Srivastava, Member- A.

Smt. Krishna Sharma, w/o Sri Lakshmi Chand Sharma
R/o 65/17, Rajapur Road, Dehradun.

.....Applicant

Counsel for the applicant :- Sri K.C. Sinha
Sri R. Sinha
Sri A. Srivastava

V E R S U S

1. The Commissioner, Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shaheed Jeet Singh Marg,
New Delhi, 110016.
2. The Assistant Commissioner, Kendriya Vidyalaya Sangathan,
Hathibarkala, Salawala, Dehradun.
3. The Senior Audit Officer, Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shaheed Jeet Singh Marg,
New Delhi, 110016.
4. The Principal, Kendriya Vidyalaya , F.R.I,
Dehradun.

.....Respondents

Counsel for the respondents :- Sri V. Swaroop
Sri N.P. Singh

O R D E R (oral)

List has been revised. None is present for the applicant. Sri N.P. Singh, counsel for the respondents is present. The O.A is being decided on merits under rule 15 of C.A.T Procedure Rules, 1987.

2. In this O.A filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for direction to the respondents to pay 13% interest per annum for the delayed payment of pension, gratuity and commuted value of pension

from the date it was due till the date of payment.

3. The applicant retired on 31.08.1998 as Trained Graduate Teacher (Sanskrit) from Kendriya Vidyalaya, F.R.I, Dehra Dun. The applicant is aggrieved with the action of the respondents for delayed payment of her post retiral benefits. The applicant has alleged that the same was released by the respondents after 11 months of her retirement. Therefore, the applicant has pleaded that she is entitled for the interest at the rate of 13% which she has claimed.

4. I have heard counsel for the respondents and perused records including the pleadings of the parties.

5. The respondents' contention is that the delay has been caused due to the applicant's own action. She was supposed to ~~be~~ give the State Bank of India (SBI) Account Number so that the post retiral benefits could be released accordingly. She completed this formality only on 20.03.1999 as is established for the perusal of the CA-I. Thus the applicant her-self delayed in furnishing the information regarding bank particulars by about seven months. The learned counsel for the respondents submitted that there is no delay on the part of the respondents. As soon as the applicant's bank option was received on 20.03.1999 the respondents took prompt action and settled her claim by issuing the sanction memo dated 29.07.1999. As averment to this effect has been made by the applicant in paras 4.5 and 4.11 of the O.A and the order of the respondents has been annexed as annexure A- 2. In rejoinder the applicant has given vague reply and has not rebutted specifically the contention of the respondents that she informed the respondents about Bank particulars on 20.03.1993 i.e. with delay of about seven months.

6. The perusal of CA-2 leaves no doubt in my mind that the applicant her-self has not taken timely action to complete the required documents before her retirement. In addition I would like to observe that she has made application for commutation of pension only on the last date of her retirement i.e 31.08.1998 (CA-2) whereas she should have taken timely action in this regard. The applicant has failed to establish the delay on the part of respondents.

7. From perusal of records the maximum delay which could be attributed to the respondents is one month. However, since the applicant her-self has been responsible for the delay in settlement of her post-retiral benefits, I do not consider that she is entitled for any relief. In the facts and circumstances, the O.A is dismissed being devoid of merits.

8. There will be no order as to costs.



Member- A.

/Anand/