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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

O.A.No.699 of 1987.

K.N.SinghApplicant.

Versus

Union of India & anotherRespondents:

Hon'ble Mr.Justice U.C.Srivastava,V.C.

Hon'ble Mr. K.Obayya,A.M.

(By Hon'ble Mr.Justice U.C.Srivastava,V.C.)

The applicant, who was Wireless Operator Mechanic-A, has retired from service on 31.8.80 but the arrears of pension including the amount of commuted pension and gratuity was granted as per order dated 4.10.85 issued on behalf of the Controller of Defence Accounts (Pensions), Allahabad to the Officer Commanding fixing the pension of the applicant at Rs.286/- per month in place of 199/- p.m. and granting arrears of gratuity amounting to Rs.2943-20, the commuted value of pension amounting to Rs.3413-90P totalling Rs.6357-10P and arrears of pension from 1.9.82 to December, 1985 along with D.A. and other dues, amounting to Rs.7650-85. The grievance of the applicant is that as the delay has been committed in paying the said amount, consequently, the respondents are entitled to interest at the rate of 18% per annum on the delayed payment of arrears of retirement benefits, calculated from the expiry of three months of the date of retirement of the applicant upto the date when the payments were actually made.

2. The respondents have resisted the claim of the applicant and have stated that the applicant is not entitled to any interest ^{on} pension and DCR gratuity and the question of refixation of pension gratuity arose only after the court judgment dated 6.2.84 under the Payment of Wages Act. Against

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this the applicant appealed for ten times compensation before the District Judge, Kanpur which was rejected on 20.10.84. Due to this judgment, the applicant became entitled to count his service from 12.3.60 to 25.6.69 also towards pension/gratuity. His pension/gratuity was then revised on 2.10.85 to Rs.286/- in place of Rs.199/- p.m. The arrear of pension and resultant dues on pension and gratuity were passed to PDO on 5.11.85 with intimation to the applicant for payment action.

3. In view of the fact that the applicant's fate was also hanging in balance so far as his pensionary claim and other benefits are concerned, as the cases were pending due to disciplinary proceedings against him, the fault will not lay at the door of the respondents. As the applicant's matter was clear on 6.2.84 and merely because he had filed an appeal before the District Judge for ten times compensation, there was no restraint on the respondents to pay the pensionary benefits to the applicants. Accordingly, more than 1½ months' time was granted to the respondents and they were obliged to make payment latest by 31.3.84 which was not done. Accordingly, the respondents are directed to pay the interest at the rate of 12% per annum from 1.4.84 upto the date of payment. Let this payment be made to him within a period of three months from the date of communication of this order. With these observations, the application stands disposed of. No order as to costs.

MEMBER (A)

VICE CHAIRMAN.

DATED: NOVEMBER, 13, 1992

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