

A2 (b)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 859 of 1987

Kunwar Bahadur Applicant
Vergus
Union of India and Others Respondents

CORAM:

Hon'ble Mr. Justice U.C. Srivastava, V.C
Hon. Mr. K. Chayya, Member(A)

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

By means of this application the applicant has claimed interest at the rate of market rate on ^{has} delayed payment of gratuity and pension etc. He/retired on 30.4.85 as driver Gr. 'A' Special from Northern Railway, Moradabad Division. He was paid Rs.26,281 as gratuity on 5.9.85 although according to the applicant it was due to be paid on 1.5.85, as such he is entitled interest at the rate of market rate on this amount for 4 months interest being at the rate of 12% which comes to Rs.1051.24p till the date of payment calculated for one year 9 months Rs.220.80p. Total amount till May 1987 comes to Rs.1051.24p plus Rs.220.80p i.e. Rs.1072.04p. The applicant was paid his pension on 24.10.85, a sum of Rs.4620.00p for the period from 1.5.85 to 30.9.85

W

Contd.../p2

A2
3 (7)

: : 2 : :

five months later for no fault of the applicant and he thus^{is} entitled for interest for five months at the rate of 12% per annum which comes to Rs.231/- and thus the commuted value of the pension Rs.38461.00p and deduction of Rs.9200/- out of this amount on the ground of excess payment, thus net payment of Rs.29,261.00p was made to the applicant on 11.4.87 without penal interest for 2 years on this amount which comes to Rs.7022.64p and as such the applicant is entitled for Rs.7022.64p as interest. Similarly the provisional pension was calculated at the rate of Rs.1011.00p per month and the applicant was paid at the rate upto March 1987. The deduction in payment of pension was for Rs.9200/- and thus he is entitled for the refund of Rs.9200/- and interest for two years on this amount.

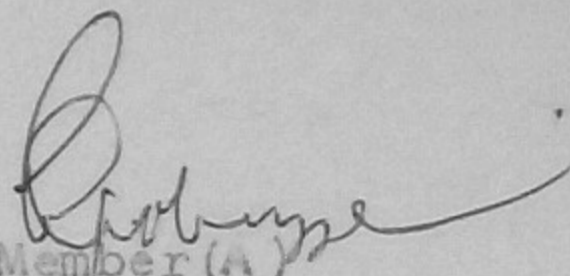
2. The respondents have not delayed the matter and as a matter of fact the applicant is responsible for the delay. As under rule he should have submitted his formal application for pension to the head of the office one year before his actual date of retirement but he has submitted his application only ten days before his retirement and that is why inspite of his best efforts some time was consumed in dealing with the postal authority. As the applicant himself was responsible and consequently a delay of few months was caused as such the applicant will not be entitled to any interest on the gratuity or pension which was paid

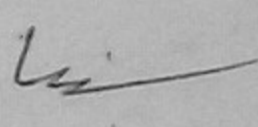
W

A-72
4 (8)

:: 3 ::

to him only after 4 or 5 months. There appears no justification for paying a sum of Rs.29,261/- to the applicant with the delay of 2 years. Consequently, the applicant will be entitled interest on the commuted value of pension at the rate of 10% w.e.f. 1.10.1985 upto the date of the payment. The applicant has not succeeded in making out the case for interest in respect to the ^{above} amount because of the delay caused. Accordingly this application is partly allowed and the respondents are directed to pay interest at the rate of 10% on the aforesaid amount within a period of 3 months.


Member (A)


V.C.

Dated: 30th September, 1992:

(Uv)