

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 220 of 1992

S.B. Srivastava

.... Petitioner

Versus

Union of India and Ors

..... Respondents

CORAM:

HON'BLE MR. MAHARAJ DIN, J.M.

HON'BLE MISS. USHA SEN, A.M.

(By Hon. Mr. Maharaj Din, J.M.)

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The applicant ^{has} ~~preferred~~ ^a has professed this application seeking the relief to issue direction to the respondents to release and make payment of Death Cum Retirement Gratuity and also refund of Saving Fund ^{of} Central Govt. Employees Insurance Scheme.

2. The relevant facts giving rise to this application are that the applicant retired on 31.1.1989. He was not paid the amount of DCRG and Insurance soon after his retirement as such, he has approached this Tribunal seeking the relief mentioned as above.

3. The respondents filed Counter affidavit and resisted the claim of the applicant inter alia on the ground that since the applicant was involved in the departmental proceedings which continued even after his retirement. Therefore, the delay was caused in making the payment of retiral benefits.

4. We have heard the learned counsel for the parties and perused the record.



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5. It is said that when the applicant was posted in districts Aligarh and Orai in the years 1983 to 1985 he committed certain mistakes in discharging his duties. Admittedly, the departmental proceedings was started against the applicant in the year 1987 and 1988. The applicant retired from service on attaining the age of superannuation on 31.1.89 and the departmental proceedings could not be completed till the date of his retirement, as such the delay was caused in making the payment of the retiral benefits. The applicant in the departmental proceedings was held guilty and punishment of deduction of 10 per cent of pension amount was imposed. The applicant after institution of this application and before filing the counter reply in the case was however, paid the amount of DCRG vide order dated 22.8.92. The amount of insurance is still not released in favour of the applicant. Therefore, the applicant has urged that he is entitled to get the interest on the delayed payment of amount of DCRG and insurance amount. The learned counsel for the respondents has drawn our attention towards Rule 68 of Central Civil Services Pension Rule. Sub-rule(3) of the said Rule which is relevant is reproduced as under:-

" In order to mitigate the hardship to the Government servants who, on the conclusion of the proceedings are fully exonerated, it has been decided that the interest on delayed payment of D.C.R.G may also be allowed in their cases, in accordance with the aforesaid instructions. In other words, in such cases, the gratuity will be deemed to have fallen due on the date following the date of retirement for the purpose of payment of interest on delayed payment of gratuity. The benefit of these

instructions will, however, not be available to such of the Government servants who die during the pendency of judicial/disciplinary proceedings against them and against whom proceedings are consequently dropped. "

6. The opening sentence of this sub-rule says that incase a Govt. servant who on conclusion of the proceedings are fully exonerated is entitled to get the interest on delayed payment of amount of DCRG. The applicant cannot get any advantage of this sub-rule because he has not been fully exonerated from the charges levelled against him as he was guilty and punishment of deduction of pension amount was imposed. So we are of the view that the applicant is not entitled to get any interest what so ever on the delayed payment of the amount of DCRG.


7. The respondents have stated that refund of **Saving** Fund of Central Govt. Employee Insurance Scheme could not be made to the applicant as yet due to want of credit verification. The respondents do not say that the applicant is not entitled to get the said amount of insurance and : if the amount of insurance deducted from the salary is not properly credited, it was not the fault of the applicant. So, we are of the view that the applicant is entitled to get interest on unpaid amount of the insurance at the rate of 9 per cent per annum.



8. In view of the discussion made above, the application is partly allowed with a direction to the respondents to refund the Saving Fund of Central Govt. Employee Insurance Scheme after completing the process ~~xx~~ of verifying the credit made by the applicant within a period of three months from the date of communication of this order. The applicant shall be entitled to get the interest on the amount of insurance at the rate of 9 per cent from the date of his retirement till the date of actual payment.

9. There will be no order as to costs.


Member (A)


Member (J)

Dated: 1.2.1994

(Uv)