

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 8th day of August, 2000.

Original Application no. 1380 of 1994.

Hon'ble Mr. M.P. Singh, Administrative Member

Mohd. Yaseen,
Retired Sub-Inspector Telegraph,
Village Mani Umarpur,
P.O. Maharauda,
Distt. Allahabad.

... Applicant

C/A Shri A.B.L. Srivastava

Versus

1. Union of India, through,
The Secretary, Department of Telecommunication,
Ministry of Communication, Sanchar Bhawan,
New Delhi.
2. The Chief Accounts Officer (Telecom Accounts)
U.P. Circle, Bhopal House, Lal Bagh, Lucknow.
3. The Telegraph Divisional Engineer, Sultanpur.

... Respondents.

C/Rs. Sri A. Sthalekar

DA 1380/94

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ORDER

Hon'ble Mr. M.P. Singh, Member-A.

The applicant is aggrieved by memo dated 23.5.92, 22.10.92 and 5.6.93. issued by respondent no. 3.

2. The case of the applicant is that he was appointed as line_man on 22.5.55. He retired from service ^{on} 30.6.91. He was sanctioned provisional pension @ Rs. 594/-^{pm}, and DCRG. He was also sanctioned leave encashment ^{on} 15.7.91. He made several requests to the respondents to finalised his retiral benefits. Despite this the final dues are yet to be released by respondent no..3. Aggrieved by this he has filed this OA seeking following reliefs:-

- i.a That this Hon'ble Tribunal may graciously be pleased to issued a direction to finalise his pension and gratuity and pay ~~the~~ arrears on account of the revision of pension at full rate and full amount of gratuity and commuted value on pension from 1.7.1991 within such reasonable period as ^{This} Hon'ble Tribunal may deem it reasonable in the circumstances of the case.
- ii. b. That this Hon'ble Tribunal be pleased to direct the respondent to refund Rs. 543/- illegally deducted from final Gratuity together penal interest @ 24% p.a. thereon.
- ii. That this Hon'ble Tribunal may graciously be pleased to award the penal interest

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@ 24% per annum on the quantum of Pension, commuted value on pension and Gratuity due from 1.7.91 at the current market rate in the spirit of Supreme Court judgment AIR-1985-S.C. 356. The current market rate in 1994 is 24% per annum or 4% per month compounded six monthly.

This augers well within 15% interest awarded in 1986 by this Hon'ble Tribunal in Ishwari Prasad Gupta having regard to repeated devaluation of Indian Currency at least thrice during 1990 to 1993.

This would also be keeping the high degree of callousness in action and indifferent attitude of the respondents without any fault of the applicant.

- iii. That this Hon'ble Tribunal may graciously be pleased to grant any other relief as may deemed fit and appropriate and interest claimed and payable to applicant may be directed to be recovered from those responsible for the harrasment caused having regard to criminal negligence and inhuman attitude of the respondent no. 3 and laxity on the part of respondent no. 2.
- iv. That this Hon'ble Tribunal may graciously be pleased to award the cost of this petition in accord with the spirit of the judgment of Bhubneswar Bench of the Tribunal ATR 1993(1) CAT 183 as the applicant has been unduly harassed and driven to agitate his grievances before this Hon'ble Tribunal.
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3. The respondents in their reply have stated that the service book of the applicant has been lost. It became necessary to reconstruct the service book and hence particulars were called for from the applicant. In order to expedite the early payment of retiral benefits of the applicant, he was issued the letters dated 23.5.92 and 22.10.92. Instead of furnishing the documentary evidence, the applicant has filed the present CA making wild allegations of malafide and harassment which are not borne out from the facts. According to the respondents the ~~LR~~ last pay drawn by the applicant was ~~basic pay~~ ^{payd} basic pay Rs. 1200/- p.m (Annexure SCA-2) and on this basis leave encashment and all other calculations have been made. (SCA 1 to 6). The calculation of commuted value for pension is shown in Suppl. CA and the calculation of gratuity is shown in SCA-1. According to this calculation all retiral benefit have been paid to the applicant.

4. Heard the learned counsel for the rival contesting parties and perused the record.

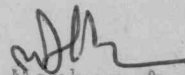
5. During the course of the argument learned counsel for the applicant admitted that all retiral benefits have been received by the applicant ^{applicant} except an amount of Rs. 543/- recovered from gratuity on account of ^{alleged over payment of leave} alleged.

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over payment of leave encashment for 90 days. He also ~~also~~ prayed for the payment of an amount of Rs. 25,381/- on account of interest on commuted amount of pension and gratuity. Learned counsel for the respondents has produced the original record. I have perused the record. Respondents had earlier calculated 181 days EL whereas the applicant was entitled to 1172 days only. Hence, respondents have deducted an amount of Rs. 543/- from the gratuity of the applicant as this overpayment was made to the applicant erroneously. As regard the payment of interest on gratuity and commuted value of pension is concerned the applicant is not entitled for the same because there was no deliberate delay in making the payment of retiral benefits to the applicant by the respondents. Delay was due to the fact that the service particulars of the applicant were lost and it took some time for the department to reconstruct the service record. The Moreover, the applicant was getting full pension of Rs. 594/- from 1.7.91 to 8.1.95 and hence the questioning for payment of interest during this period does not arise. In view of the foregoing the OA is devoid of merit and is liable to be dismissed. The O.A. is dismissed accordingly.

6. There shall be no order as to costs.


Member-A

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