

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO. 866 of 2000

WEDNESDAY, THIS THE 30TH DAY OF OCTOBER, 2002

HON. MRS. MEERA CHHIBBER, MEMBER-J

Kunj Behari Lal Gupta
s/o Late Maiku Lal Gupta,
a/a 60 years,
r/o 182 Opposite Idgah,
Dehradun. Applicant.

(By Advocate:- Shri Shishir Kumar)

Versus

1. Union of India,
through Secretary,
Ministry of Defence,
New Delhi.
2. Chief Engineer,
Headquarter,
Central Command,
Lucknow.
3. Controller of Defence
Accounts, Allahabad. Respondents.

(By Advocate:-Shri A.N.Shukla)

O R D E R (ORAL)

HON. MRS. MEERA CHHIBBER, MEMBER-J

The applicant has filed the present O.A in the year 2000 for seeking a direction to the respondents to pay the entire amount of Gratuity as well as commuted pension alongwith 24 percent interest from the date of retirement till the date of payment forthwith and is also sought damages to the tune of Rs. 2.5 lakhs and any order or direction that may be deem fit and proper.

2. The applicant has stated^{that} he retired on 21-10-1997 but since an enquiry was pending against him at that time, he was only paid provisional pension. However, after the enquiry was over the enquiry officer found the charges against the applicant were not

proved. Accordingly, vide order dated 8-12-1998 the competent authority exonerated the applicant (page 19). On 2nd January, 1999 the applicant represented to the authorities for grant of his/retiral benefits which was duly forwarded by the Administrative Officer (page 23) and thereafter in spite of several reminders having been given to the authorities, since no reply was coming forth, the applicant has filed the present O.A in the Tribunal claiming the above reliefs in the year 2000. Today when the matter came up for hearing the applicant's counsel submitted before me that after the filing of the case, the respondents issued the gratuity, ^{and} commuted pension on 25-1-2000 thereby delaying the payment of gratuity, commuted pension by over two years without any valid explanation. He has thus prayed that the only relief left for consideration by now that of interest. In support of his claim he has relied on 1985(1) SCC(429) and 1997 AISLJ (SC) (1). He has also relied on 2001 Vol-1 ATJ(61) Calcutta Bench wherein the courts have held that retiral dues like pension gratuity are no longer any bounty to be distributed by the Government to its employees on their retirement. These are valuable rates in the hands of retired employees under various decisions of the Supreme Court and ^{for} any culpable or unjustified delay ~~in~~ settlement and disbursement of the retiral benefits, ~~by~~ the Government ^{would be} ~~will make them~~ liable to pay interest on the delayed payments.

3. The respondents on the other hand have opposed the O.A and have tried to explain that so long the applicant's enquiry was pending he could not have been granted the actual pension and gratuity and since he was entitled only to provisional pension, ~~and~~ the same was granted immediately on 24-10-1997. The enquiry was completed only in December, 1998 thereafter the

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matter was taken up with the higher authorities and as soon as the sanction came, the gratuity and commuted value of pension was paid to the applicant. Therefore they have submitted that the applicant is not entitled to any relief.

4. I have heard both the parties and perused the pleadings.

5. As per Annexure A-I, the applicant was exonerated of the charges by the Competent Authority vide order dated 8-12-1998 therefore, up to this period the respondents ^{are B that B} had right, they could not have released the gratuity or commuted value of pension, but when the applicant was exonerated of the charges he became due for retiral benefits in law and should have been paid the amount within 3 months from the said date. The gratuity is actually issued on 25-1-2000 as per respondents own documents annexed with the counter affidavit ~~and~~ I have gone through entire counter affidavit but could not find any valid ^{Explanation B} ~~justification~~ for delaying the payment of gratuity for such a long period. Counsel for respondents also could not show me any valid explanation as to why the authorities took so long to release the gratuity of applicant. I have seen the Judgement relied upon by the applicant's counsel and since the respondents counsel has not been able to show me any valid explanation for the unjustified delay in payment of gratuity, I am satisfied that the case is covered by the Judgement as mentioned above. Since the applicant had become entitled to payment of gratuity after three months from the date of exoneration in the enquiry, any further delay in disbursement of the gratuity

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would make the applicant entitled for interest for delaying in payment. Accordingly, I direct the respondents to give applicant interest on the delayed payment of gratuity at the rate of 9% per annum from 1-4-1999 ~~but~~ till ~~date~~ he was actually paid the gratuity. I have not come across any rule ^{where} ~~whether~~ interest is payable on commuted value of pension nor applicant's counsel has been able to show me any such rule. Therefore, I hold no interest is payable on commuted value of pension. The amount of interest after calculation shall be paid to the applicant within a period of three months from the date of receipt a copy of this order.

6. With the above directions the O.A is disposed of with no order as to costs.



Member-J

madhu/