

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH

AT NAINITAL.

....

original Application No. 10 of 2002 (U)  
this the 25th day of April 2003.

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

J.N. Chaturvedi, s/o late Sri Roop Kishore Chaturvedi, Ex-Chairman  
U.P. Public Service Commission, Allahabad, at present 211  
Indira Colony, Dehradun.

Applicant.

By Advocate : Sri G.S. Bhatt (absent)

versus.

1. State of U.P. through the Under Secretary, Home Department, U.P. Administration, Anubhag-2, Lucknow.
2. The Accountant General, U.P., Allahabad.
3. The Dy. Accountant General, U.P., Allahabad.
4. The Union of India through Ministry of personnel & Public Grievances, New Delhi.

Respondents.

By Advocate : Sri G.R. Gupta.

O R D E R (ORAL)

In this case, applicant has sought the following relief(s):-

"(a) That this Hon'ble Tribunal may be pleased to direct the Opp. parties nos. 1 to 4 to make payment of amount interest at the rate of 12% P.A. on the amount of interest having accrued to the applicant w.e.f. 1.8.1986 till the date of actual payments as stated herein before and claimed representation dated 12.4.2000 (Annexure no. III to this application) setting aside the order dated 6.7.2001 passed by respondent no.1 (Annexure no.1 to this application.)  
(b) -----.  
(c) -----."

2. It is submitted by the applicant he was an IPS officer born on U.P. cadre having joined his services in the year 1951. It is submitted by the applicant that under Section 265 of the Govt. of India Act, 1935, the U.P. Public Service Commission (Conditions of Service) Regulations 1937 were framed

and the petitioner assumed the office of Chairman on 10.9.1985. Thus, he was deemed to have retired from IPS w.e.f. that date under the Regulation 6, referred to above. Even-though he had submitted all the relevant documents to the authorities concerned but no amount was paid to him. Therefore, he sent a registered letter to the Chief Secretary, Government of U.P. on 6.11.1986 for sanctioning his retirement benefits. It is only after receipt of such letter that provisional authority was issued on 21.11.1986 to the Treasury Officer with the endorsement to the petitioner for release of his dues. Because of this deliberate delay on the part of the respondents, he suffered considerable financial loss, peace of mind etc. Therefore, he demanded interest on the said amount at market rate. The Government sanctioned only 7% for some period and 10% for rest of the period of delay in payment of gratuity only. Therefore, being aggrieved, he filed O.A. no. 410/90 before the Tribunal, which was decided on 27.2.1992 wherein it was held as under :

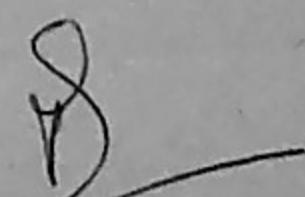
" ----- we are of the view that the applicant had been given benefit of commutation of the entire pension permitted to be drawn by him while holding the office of Chairman of the U.P. Public Service Commission. As his date of retirement is reckoned from 30.4.86 his claim for interest will be valid only on the amounts of commuted pension disbursed to him, after 30.4.86. Allowing margin of 3 months we fix 1.8.86 as the date from which the applicant is entitled for interest as any payment thereafter would be construed as delayed payment. We also fix the rate of interest at 12% and direct the respondents to calculate the interest amount on the delayed payments of commuted pension paid to the applicant and pay the sum so calculated to the applicant within three months from the date of receipt of a copy of this order."

3. It is submitted by the applicant that even after the direction given by the Court, the respondents did not give the amount of interest also for a considerable period, even though the order was made available to the State Govt. on 18.6.92. The amount was ultimately paid to him only on 12.8.99 <sup>for B</sup> ~~depo.~~ the interest on commuted value of pension, leave encashment was paid to him on 30.3.99. Therefore, he gave a representation to the respondents on 12.4.2000 claiming interest on delayed payments of interest as well. This request was rejected by the respondents vide their letter dated 19.11.2000

It is this order which has been challenged by the applicant in the present O.A.

4. I have read the O.A. and heard the respondents' counsel.

5. It is seen that in the earlier O.A., the Tribunal had given interest to the applicant on delayed payment made to him fixing the date from which he would be entitled for the same. The said direction was to be complied with, within three months from the date of communication of the order. Incase the respondents had not complied with the directions given by the Tribunal, it was open to the applicant to file Contempt petition. He did not file any Contempt petition and himself kept waiting for the amount to be paid to him. Now he cannot file another O.A. to claim interest on the interest amount as that would amount to giving from premium for his own action in not approaching the Court in time. If only applicant had filed Contempt petition, the Court could have called-upon the respondents to make payment to him immediately thereafter. Since no such effort was made by the applicant, the present O.A., according to me, is not maintainable. The same is accordingly dismissed. While dismissing the O.A. I do feel that the respondents had delayed in making the payment to the applicant in spite of the directions given by the Tribunal. Therefore, in order to compensate him I direct the respondents to pay him an amount of Rs.1500/-



Member-J.

GIRISH/-