

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 9th day of March 2006.

Original Application No. 901 of 2002.

Hon'ble Mr. K.B.S. Rajan, Member (J)

Sri Amar Nath Sharma, S/o Sri R.N. Sharma,
R/o Village Gaura, PS Mariyahu,
Distt: Jaunpur.

.....Applicant

By Adv: Sri S.L. Kushwaha

V E R S U S

1. Union of India through General Manager,
North Eastern Railway,
GORAKHPUR.
2. Financial Advisor and Chief Accounts Officer,
N.E. Railway,
GORAKHPUR.
3. Senior Divisional Accounts Officer,
North Eastern Railway,
SAMASTHIPUR.

.....Respondents

By Adv: Sri A.K. Gaur

O R D E R

"a retired government official is sensitive to delay in drawing monetary benefits. And to avoid posthumous satisfaction of the pecuniary expectation of the superannuated public servant - not unusual in Government",
Justice V.R. Krishna Iyer, in State of Mysore vs C.R.Seshadri, 1974(4) SCC 308)

Timely payment of pension has been emphasized
by the Apex Court in the case of *Uma Agrawal (Dr) v. State of U.P., (1999) 3 SCC 438* wherein the Court
has stated,

"6. The case before us is a clear example of departmental delay which is not excusable. The petitioner retired on 30-4-1993 and it was only after 12-2-1996 when an interim order was passed in this writ petition that the respondents woke up and started work by sending a special messenger to various places where the petitioner had worked. Such an exercise should have started at least in 1991, two years before retirement. The amounts due to the petitioner were computed and the payments were made only during 1997-98. The petitioner was a cancer patient and was indeed put to great hardship. Even assuming that some letters were sent to the petitioner after her retirement on 30-3-1993 seeking information from her, an allegation which is denied by the petitioner, that cannot be an excuse for the lethargy of the Department inasmuch as the Rules and instructions require these actions to be taken long before retirement. The exercise which was to be completed long before retirement was in fact started long after the petitioner's retirement."

2. With the above dictum of the Apex Court in view, the case has to be analyzed.

3. The applicant, of course, is the cause for delay to a major extent. His whereabouts were not known for a substantial period and even according to him, he could write to the department for his terminal benefits, due in the wake of his superannuation on 31-07-1994, only on 26-03-2000. And the Respondents have made available the terminal dues to the applicant on 14-03-2002. Though the applicant had in his OA claimed 18% interest, and though to some extent he could justify his entitlement to the interest (and rightly so on the basis of the Apex Court's judgment), yet, for his delay and mistake, he cannot take advantage. Hence, interest could at best be payable only for the period from 01-04-2000 to the date of payment. In other words, the period for which interest on

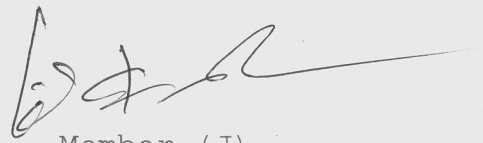
terminal benefits is payable would be maximum 23 months. In fact from this, at least a period of five months should be deducted as the Department should have some time to re-work out the extent of terminal dues payable. For, this case is not a straight forward case. The applicant was missing from 1980 and surfaced only much later, and in the meantime, his retirement fell due. As such, deducting at least 5 months as period that would have been spent in working out the dues, the period for which interest is payable is 18 months.

4. Coming to the rate of interest, the applicant has claimed 18% interest. It is trite that Bank interest rates had slashed down from 2001 onwards. The rates were fluctuating. However, as a guideline value, one could easily rely upon the G.P. Fund interest rate for the year 01-04-2000 to 31-03-2002 i.e. for two years, the average of which would be worked out. The same shall be the rate of interest.

5. The applicant has no grievance over the total amount of terminal benefits given to him in lumpsum. Though the figures are not readily available with the applicant, the Records maintained by the respondents would certainly be available. On the basis of the records, the respondents shall ascertain the principal amount (the lumpsum payment of GP Fund, Gratuity, Commutation etc.,) and work

out the extent of interest payable on the same for a period of 18 months @ average rate of interest on P.F. credit balance during the period from 01-04-2000 to 31-03-2002 and make the payment to the applicant within a period of three months from the date of communication of this order.

No cost.



Member (J)

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