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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 572 of 1992

Date of Decision: 22.2.1993

Trilochan Rath

Applicant

Versus

Union of India & Others

Respondents

For the ~~Applicant~~

M/s. A.K. Mishra  
S.K. Das,  
S.B. Jena,  
Advocates

For the respondents No.1 & 4 Mr. Akhaya Mishra,  
Standing Counsel  
(Central Government)

For the respondents No.2 & 3 Mr. K.C. Mohanty,  
Government Advocate  
(State of Orissa)

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C O R A M:

THE HONOURABLE MR. K.P. ACHARYA, VICE-CHAIRMAN

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ?
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes

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JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act,1985, the petitioner prays to direct the opposite parties to pay to the petitioner his pension, gratuity, provident fund money the amount under accrued in favour of the petitioner and to pay him Group Insurance Scheme and other retiral benefits.

2. Shortly stated the case of the petitioner is that he was serving under the State of Orissa in the Forest Department being a member of the Indian Forest Service. The petitioner retired on supernnuation on 30.11.1991. As yet he has not received his retiral benefits including pension, gratuity money and the provident fund money etc. Hence this application has been filed with the aforesaid prayer.

3. No counter has been filed on behalf of the Opposite Party No.1, i.e. Secretary in the Ministry of Environment and Forest and Opposite Party No.4, i.e. Accountant General, Orissa, Bhubaneswar. Counter has been filed on behalf of Opposite Party Nos. 2 and 3, i.e. State of Orissa, represented by Secretary, General Administration Department and State of Orissa, represented by Secretary, Environment and Forest.

4. I have heard Mr.Aswini Kumar Mishra, learned counsel for the petitioner and learned Government Advocate for the State of Orissa Mr.K.C.Mohanty and learned Standing Counsel Mr.Akhaya Kumar Mishra, appearing for OP Nos.1 & 4.

5. In their counter the opposite party Nos. 2 & 3 maintain that since the Department did not receive the VN.

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No Due Certificate from the Principal, Chief Conservator of Forest while the pension papers were forwarded to the Forest Department, a letter of request has been sent to the Chief Conservator of Forests (K.L.) by the Forest Department ~~vise~~ letter No. 28080 dated 26.11.1992 to furnish the consolidated No Due Certificate to the department. On account of the laches and the delay on the part of the concerned department, retired employee cannot be made to suffer. It is needless for me to mention that every government servant has to one day or the other retire from service and he or she would depend on the pensionary benefits to sustain his or her livelihood. The officers who are now occupying the position to deal with these matters should realise that depending on the retiral benefits would come to every government officer one day or the other. Since there is no laches pointed out to have been committed by the petitioner, I feel there has been considerable delay on the part of the concerned authority in regard to non disbursement of the retiral benefits. Incidentally I may mention that the money due to the petitioner on account of Group Insurance Scheme has been paid to the petitioner and this was admitted before me. Provisional pension has been fixed and this was also not disputed before me. But a substantial part of the pensionary benefit has not been paid to the petitioner. In this connection I feel tempted to quote the observations of Their Lordships of the Supreme Court deprecating the delay caused in disbursement of the pensionary benefits to a retired government employee. The case is reported in 1985 (1) Supreme Court cases 421 (State of Kerala and others vs. M. Padmanabhan Nair). Their Lordships have been pleased

to observe as follows :

" Pension and gratuity are no longer any bounty to be distributed by the Government to its employee on their retirement but have become, under the decisions of this Court, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment".

Therefore, I would direct all retiral benefits due to the petitioner including final pension ~~be paid to the petitioner within 60 days from the date of receipt of a copy of this judgment along with interest at the rate of Rs.12 per cent per annum with effect from lapse of 60 days from the date of receipt of pension papers in the Office of the Conservator of Forest, Kendu Leaf. This interest will be calculated taking into account the date on which the amount was paid to the petitioner towards the provisional pension.~~ Mr.Akhaya Mishra, learned Standing Counsel submitted that ~~since~~ the petitioner has not furnished informations regarding certain missing credit, the provident fund amount has not been disbursed in his favour. After the petitioner furnishes these informations, the amount would be disbursed to him. Mr.A.K.Mishra, learned counsel for the petitioner submitted that in compliance with the correspondence made by the Accountant General, Orissa, Bhubaneswar, the petitioner has furnished the missing credit vide letter No.7146 dated 21.11.1992 addressed to Accountant General, Orissa, Bhubaneswar by the Chief Conservator of Forests, Kendu Leaf. In case this letter has not been received by the Accountant General,

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as an abundant precautionary measure further correspondence be made by the petitioner to furnish <sup>us</sup> the datas by forwarding a copy of this letter to the Accountant General. But pending receipt of further information from the petitioner, the amount now standing to his credit be disbursed to the petitioner within 30 days from the date of receipt of a copy of this judgment by the Accountant General, Orissa, Bhubaneswar. Thus the application is accordingly disposed of leaving the parties to bear their own cost.

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22.3.93.

VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
dated 23.2.1993/ B.K. Sahoo

