

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

For Admision

DB  
12/9/01

Bench

For Admision

DB  
22/9/01

Bench

## 11. ORDER DATED 26-9-2001.

Heard Shri S. R. Mishra, Learned Counsel for the Applicant and Madam R. Sikdar, Learned ASC appearing for the Respondents and have also perused the records.

2. In this Original Application, the Applicant has prayed for a direction to the Respondents to disburse the Provident Fund amount in favour of the applicant with 18% interest and 18% interest on the arrear pension and gratuity of the Applicant.

3. Respondents have filed their counter opposing the prayer of the applicant and we have perused the pleadings.

4. From the relief claimed by the Applicant in para-3 of this Original Application it is seen that he had already received the arrear pension and gratuity and he has only asked for 18% interest on that. His other prayer is to disburse the Provident Fund amount alongwith 18% interest. Admitted position is that the applicant was working as Senior Shunter in the Rlys. and he took voluntary retirement on 25.3.1998. Respondents have stated in their counter and this has not been denied by the applicant by filing any rejoinder that Provident Fund amount has been paid to him only on 5.5.2000. In view of this, question for consideration is whether the applicant is entitled to interest @ 18% per annum on the Provident Fund amounts. Admittedly, petitioner retired on 25.3.98 and there would not have been any difficulty on the part of

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the Departmental Authorities to pay the Provident Fund amount to the applicant within a period of four months during which the amount standing in the name of the applicant automatically carry the interest of 12%. In view of this, we direct that on the Provident Fund Amount received by applicant on 5.5.2000, Respondents shall pay interest to the applicant from the date of his retirement till the end of the preceding month <sup>in</sup> which he has actually received <sup>Rs. 500/-</sup> the Provident Fund amount. This interest should be calculated at the rate of 12% and paid to the applicant within a period of 90 days from the date of receipt of a copy of this order. While paying the interest as above, any amount already allowed by way of interest to the applicant after his retirement on his provident fund amount should be deducted. First prayer of the applicant is accordingly disposed of.

5. Second prayer of the applicant is only with regard to interest on the arrear pension and gratuity. We find that in this case applicant has gone on voluntary retirement and naturally only after he has retired, after giving notice of three months his pension matter has been taken up for consideration. Normally, under the rules, processing of pension paper is done two years prior to the date of superannuation of a govt. servant. But as the applicant has retired by giving three months notice voluntarily, Respondents could not initiate the processing of his pension paper till he retired or till the notice for

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O.A. No. 300/2000.

voluntary retirement is received. we find that pension has been sanctioned on 15.10.1999 and gratuity has been released on 27.11.1999. Considering the fact that the applicant has gone on voluntary retirement and Respondents had no knowledge of his desire~~d~~ of going voluntary retirement till he gave a notice, we do not think that there has been <sup>such</sup> ~~any~~ <sup>such</sup> delay in releasing of pension and gratuity which would entitle the applicant for interest.

6. In the result, therefore, the O.A. is partly allowed as per the directions made above. No costs.

(G.NARASIMHAM)  
MEMBER(JUDICIAL)

*SOMNATH SOMY*  
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VICE CHAIRMAN  
26.9.2001

KNM/CM.

Free copies of final  
order at 26.9.2001  
issued to counsel for  
both sides.

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27/9/01

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S.O(G)*