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O.A.No. 325 of 2002.

ORDER DATED:24-03-2006.

Applicant's claim of interest (on the delayed payment of his statutory retrial dues and Medical allowances from 01-12-1997 to 31-12-1998) are the subject matter in this Original Application filed under section 19 of the Administrative Tribunals Act, 1985. Undisputed fact of the matter is that Applicant retired from Govt. Servant w.e.f. 31-07-1996, on attaining the age of superannuation. It is the case of the Respondents that payment was delayed due to pendency of Rule 14 proceedings initiated against the Applicant and that as soon as the said proceedings was dropped on 20-08-1998, payment was made to the Applicant. As regards release of fixed medical allowance, it has been pointed out by the Respondents that since the Applicant was in receipt of provisional pension during the period from 12/97 to 12/98 and did not exercise his one time option for fixed medical allowance in time, as required under rule, the belated claim for fixed medical allowance pertaining to the period in question has not been sanctioned.

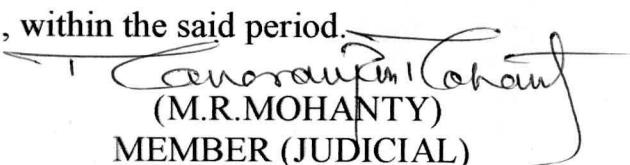
2. Having heard the parties and having perused the materials placed on record, it is seen that the delay in conclusion of the proceedings and payment of the dues was not attributable to the Applicant. Fact remains that the Applicant was not visited with any punishment; for the proceedings

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having been dropped by the Authorities. It is also seen that although the Applicant was entitled to the fixed medical allowances for the period in question, the same has not been sanctioned due to belated claim of the Applicant.

3. Law is well settled that due to delay, a retired employee can not forfeit his right to get his dues. Law is also well settled that a retired employee is entitled interest on the delayed payment of his statutory dues. The Applicant has also relied on judicial pronouncements of different Benches of this Tribunal in support of his claim of interest. I also find that the claim of the Applicant is just. In this view of the matter, this Original Application is disposed of with liberty to the Applicant to make a detailed representation to the Respondent-Department citing the case laws in regard to payment of interest on the delayed payment of retrial dues, relied on by him in the present case. The Respondents are hereby directed to examine the said representation in an open mind and heart and redress the grievances of the Applicant within a period of 30 days from the date of receipt of the said representation. The Respondents are also directed to sanction the fixed

medical allowance for the period in question, within the said period.


(M.R. MOHANTY)
MEMBER (JUDICIAL)