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10/10/2015
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00177 OF 2015
Cuttack this the 20th day of April, 2015

CORAM
HON'BLE MR. A.K.PATNAIK, MEMBER (J)

Shri Padmanava Sasany,
aged about 63 years,
S/o- Late B. Sasany,
At-53/470, Bijay Vihar,
Nuagaon Road, P.O-Sisupalagarh,
Bhubaneswar-751 002,
Assistant Director Handicrafts (Retd),
Office of the Development Commissioner,
Handicrafts, Ministry of Textiles, Government of India,
Marketing and Service Extension Centre,
Sambalpur.

.....Applicant

Advocate(s) M/s. J.M. Patnaik, C. Panigrahi

VERSUS

Union of India represented through

1. The Secretary,
Govt. of India, Ministry of Textile,
Udyog Bhawan,
New Delhi-110001.
2. The Development Commissioner of Handicrafts,
Govt. of India, Ministry of Textile,
West Block No.7, R.K. Puram,
New Delhi-110066.
3. The Regional Director (H),
Govt. of India, Ministry of Textile,
Office of the Development Commissioner (Handicrafts),
Eastern Regional Office, CGO Complex,
3rd floor, A Wing, DF Block Salt Lake, Kolkata-64.
4. The Secretary to Govt. of India,
Ministry of Planning Development of Statistics,
Govt. of India,
New Delhi.

..... Respondents

Advocate(s)..... Mr. J.K. Nayak

Alld

ORDER (ORAL)

A. K.PATNAIK, MEMBER (J):

Heard Mr. J.M. Patnaik, Ld. Counsel appearing for the Applicant, and Mr. J.K. Nayak, Ld. ACGSC appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 in which the applicant has prayed for the following reliefs:

“(i) To direct the Respondents to pay penal interest on the arrears of leave encashment for 09 (nine) months; Gratuity for 12 (twelve) months, and Pension for 12 (twelve) months and commuted value of pension for 12 (twelve) months for the delayed sanction and payment at the rate of 18% per annum;
(ii) and to direct the Respondents to pay penal interest on the arrears of the penal interest amount till actual payment is made at the rate of 18% per annum;”

3. Mr. Patnaik, Ld. Counsel appearing for the applicant, submitted that the applicant while continuing as an Assistant Director, retired from service on reaching the age of superannuation on 31st March, 2011. Before retirement he had submitted his pension paper before the Respondent-Department within the stipulated period provided in the Rules. But for the reason best known to the Respondent-Department, they sat over the right of the applicant. Mr. Patnaik submitted that the applicant received his retiral dues after a lapse of more than one year for which he has already submitted a representation dated 15.10.2012 (Annexure-A/3) to Respondent No.2 claiming interest over his retiral dues but till date no reply has been received by the applicant and hence, he has approached this Tribunal in the present O.A. with the aforesaid reliefs.



4. In view of the above, while deprecating the action of the Respondents-Department for not responding to the representation of the applicant though preferred on 15.10.2012 (Annexure-A/3), in my considered view for the claim of interest on the delayed payment no limitation will come into place. However, without entering into the merit of the matter and without prejudice either of the sides, I dispose of this OA, at this admission stage with a direction to the Respondent No. 2 to consider and dispose of representation dated 15.10.2012 (Annexure-A/3) of the Applicant by a reasoned and speaking order and communicate the decision to the applicant within a period of 30 days from the date of receipt of copy of this order. If after such consideration, the applicant is found to be entitled to the relief claimed by him, then expeditious steps be taken within a further period of 60 days from the date of such consideration to extend the benefit to the applicant. However, If, in the meantime, the said representation has already been disposed of, then the result thereof be communicated to the applicant within a period of 15 days from the date of receipt of copy of this order. No costs.

5. On the prayer made by Mr. Patnaik, Ld. Counsel for the applicant, copy of this order, along with paper books, be sent to Respondent Nos.1, 2 & 3 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 22.04.2015.


(A.K.PATNAIK)
MEMBER(J)