

Central Administrative Tribunal
Calcutta Bench

OA No. 682 of 1996

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

Ajit Kr. Saha

Vs.

Union of India & Ors.

For the Applicant : Mr. S.R. Roy, Id. Advocate

For the Respondents: Mr. C. Samaddar, Id. Advocate

Heard on : 8-5-1998

Date of Judgement : 8-5-1998

ORDER

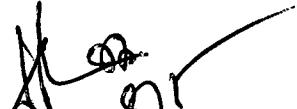
Heard Id. Advocates of both the parties over an application filed by Shri A.K. Saha, a retired Goods Shed Supervisor of Eastern Railway, Salkia, Howrah who sought for direction upon the respondents to make payment of interest of Rs.92,319/- at the rate of Rs.18% on due amount of Rs.1,30,016/- as admissible retirement benefit to the applicant. Grievance of the applicant is that the applicant retired from service on superannuation on 1-2-1991. But the said amount of Rs. 1,30,016/- was detained by the respondents without any reasonable ground. Thereby, the applicant suffered from mental agony as well as financial loss for non-payment of the said money to the applicant on due date of retirement. Respondents did not file any reply in this regard; though several adjournments were given to the respondents for filing reply from the year 1996. Id. Advocate Mr. Samaddar, appearing on behalf of the respondents, submits that in spite of his repeated request to the authority to file reply, (about 8 times), ^{the} but respondents did not file any reply to the ~~on~~ till date. So, he is unable to say about the facts of the case. Id. Advocate Mr. Roy, appearing on behalf of the applicant, has drawn my attention to the letter dated 7-9-1988

(Annexure A-3 to the application) and submits that that letter indicates that the clearance of 'No Objection' was received by the respondents in the year 1988 before 4 years of the date of retirement of the applicant. Despite that facts, the respondents did not do anything regarding payment of the retirement dues which are admissible to him. So, he is entitled to get interest at the rate of Rs.18% as claimed in the application on that amount. I have considered the submissions of both the parties on this score. The question before me is whether applicant is entitled to get ~~retiral~~ benefits as claimed in this application. It is admitted fact that the applicant retired on 1.2.91 and the respondents delayed the payment of gratuity for more than ~~seven years~~. I find that the applicant's pension was withheld for non-clearance of the 'No Objection' to be obtained from the concerned department. But the letter shows that 'No objection' clearance has been issued by the concerned department in the year 1988 as it is apparent from the Annexure 'C' itself.

2. In view of the aforesaid circumstances, I am of the view that respondents delayed the payment unnecessarily and without any solid reason and thereby applicant is entitled to get interest from 1.2.1991 till payment is made. The applicant claimed for Rs.92,319/- as interest at the rate of Rs.18%. I find that as per Govt. circular the applicant is entitled to get benefit of 12% only for delayed payment of pensionary benefits such as DCRG money, commuted value of pension, group insurance etc. Thereby, applicant will be entitled to get interest at the rate of Rs.12% instead of 18% as claimed in the application. Accordingly, I direct the respondents to make payment of the interest at the rate of Rs.12% per annum on that amount of DCRG money, group insurance, commuted value of the pension which were due to him on the date of retirement i.e. 1-2-1991 and till payment is made within four months from the date of communication of this order to the respondents; otherwise, it would carry interest at the rate of 18%.



3. In view of the aforesaid circumstances, I also award litigation costs of Rs.10,000/- to be paid to the applicant by the respondents in addition to the interest as ordered. Such cost should be realised from the concerned employee who is responsible for such delay. With this observation, application is disposed of.


(D. Purkayastha)
Member(J)