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CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
JODHPUR

Date of order : 14.7.97

O.A.NO.227/96

NATHU SINGH GHADIA, S/O SHRI DHARAM SINGH GHADIA,
RESIDENT OF PLOT NO. H/84, RICCO, 3RD PHASE, JALORE
(RETIRED AENLC)

..... APPLICANT

VS.

1. UNION OF INDIA, THROUGH GENERAL MANAGER, HEADQUARTER
OFFICE, BARODA HOUSE, NEW DELHI.
2. CHIEF ADMINISTRATIVE OFFICER (CONSTRUCTION),
HEADQUARTER OFFICE, KASHMIRI GATE, DELHI.
3. DY. CHIEF ENGINEER (CONSTRUCTION) - II, B.G. CONVERSION,
NORTHERN RAILWAY, JODHPUR.
4. DY. CHIEF PERSONNEL OFFICER (CONSTRUCTION),
HEADQUARTER OFFICE, KASHMIRI GATE, DELHI.
5. ASSISTANT ENGINEER (CONSTRUCTION), ESTABLISHMENT,
NORTHERN RAILWAY, B.G. CONVERSION, JODHPUR.

..... RESPONDENTS

Mr. N.K. Khandelwal

For the Applicant

Mr. S.S. Vyas

For the Respondents

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THE HON'BLE MR. A.K. MISRA, JUDICIAL MEMBER

BY THE COURT :

Applicant has filed this OA with the prayer that his pensionary benefits have not been settled and paid by the respondents inspite of notice for demand of justice, therefore, the respondents be directed to make payment of retiral benefits to the applicant alongwith interest calculated @ 24% p.a.

2. The respondents have stated in their reply

that after the applicant was relieved finally, his pensionary benefits were calculated and paid. Few of the pensionary benefits were paid late for which it cannot be said that they were paid after an inordinate delay. A cheque relating to the P.F. fund amount was sent at the address of the applicant which returned as unclaimed and, therefore, there was some delay in payment of G.P.F. amount. However, the applicant is not entitled to any interest.

3. The applicant in his rejoinder has given details of the payments with dates and calculation of interest @ 13% p.a. He has prayed for awarding interest as the applicant was deprived of use of money.

4. I have heard the learned counsel for the parties and gone through the record.

5. The applicant vide its letter dated 4.10.95 sought voluntary retirement w.e.f. 3.1.96 which was accepted by the General Manager. The applicant was finally relieved of his charge on 19.1.96 due to delay in handing and taking over certain documents and in respect of certain works which were under the charge of applicant at that time. However, the fact remains that the applicant was finally relieved on 19.1.96 and his pensionary benefits became due to him on 20.1.96.

6. The learned counsel for the applicant submitted that the applicant had given three months notice in respect of his retirement, therefore, all the pensionary benefits were to be delivered to the applicant on the day of his retirement but the same were not paid even after the notice of demand of justice was served on the respondents. However, the same were paid to the applicant after the O.A. was filed. On the otherhand, the learned counsel for the respondents submits that the Department normally takes three months time from the date of retirement to finally settle all the pensionary benefits. In this case, the date of retirement of the applicant was 19.1.96 and the department has taken a reasonable time in releasing the payments regarding pensionary benefits etc. There has been

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instances where notice for voluntary retirement was withdrawn by the employees, therefore, in such matters of voluntary retirement, the department finally prepares the necessary papers only on receipt of information regarding finally relieving the employee from his charge.

7. I have given my anxious consideration to the rival arguments. In my opinion, normally the retiral benefits should be made available to the retiring employee on the last date of his service but for certain reasons if pensionary benefits are not made immediately on the date of retirement of an employee, they should be paid to him within a month from the date of retirement. As the department is in control of all the service record of the concerned employee, the department should continue to take steps to get the record completed in the course of time. Therefore, any time taken beyond one month with an excuse that certain service records were to be completed, will not hold good. In this case, when the employee had sought voluntary retirement by giving three months notice and had not withdrawn his notice upto 3.1.96 he should have been given his pensionary dues. In any case, giving one month's margin for payment of pensionary benefits, the payment became due to the applicant on 20.2.96. The Department has made payment of different pensionary benefits to the applicant on different dates by cheque. Mere handing over the cheque would not amount to payment but payment would be taken to have been made only when the cheque is credited to the account of the applicant and debited to the account of the respondents. In this case, till the payment was finally debited in the respondents account, the amount remained with the Railways and the applicant had not been able to earn any interest on that amount and thus suffered a loss. Therefore, it would be reasonable to award interest to the applicant on all the pensionary benefits from 20.2.96 till the date the amount was credited to the applicant's account @ 12% p.a. For correct calculation of interest, the applicant is directed to furnish to the respondents, the correct dates of crediting the amount in his account with a copy of Pass Book and any other document

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supporting his claim. The O.A. deserves to be accepted.

8. The O.A. is, therefore, accepted and the applicant is awarded interest on all the pensionary benefits like G.P.F., D.C.R.G, Commutation , Leave Encashment, Insurance etc. including late payment of pension from 20.2.96 till the actual date of crediting the same in the Savings Bank account of applicant at the simple rate of interest i.e. 12% p.a. The applicant shall furnish copy of saving bank account to the respondents for purposes of calculation of interest on pensionary benefits within one month from the date of order and thereafter within two months the respondents shall finalise the matter.

9. In the circumstances, no order as to costs.


(A.K.MISRA)
Judicial Member

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