CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH

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Original Application No. 279/2002
Jodhpur : This the 23 th day of April, 2004

Hon'ble Mr. J.K. Kaushik,
Judicial Member

Paney Singh S/o Shri Boor Singh, by caste Rajput, R/o Village Raimalwada, Post Raimalwada, Tehsil Osia, Distt. Jodhpur, retired Security Guard.

.....Applicant.

[By Mr. R.S.Charan, Advocate, for applicant]

versus

1. Union of India through the Secretary, Ministry of Agriculture, Department of Agriculture and Corporation, Govt. of India,Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi 110 001.

2. The Chief Executive Officer, State Farms Corporation of India Ltd., Forms Bhawan, 14-15 Nehru Palace, New Delhi 110 019.

3. The Pay and Accounts officer, Principal Accounts Officer (Secretariat), 16 A, Akbar Road, Hutments, Annexe, New Delhi 110 001.

4. The Senior Administrative Officer, State Farms Corporation of India Limited, Central State Farm,Suratgarh,Rajasthan.

.....Respondents.

[By Mr. Sanjeev Johri, Advocate, for respondents]

ORDER
[BY THE COURT]

Shri Paney Singh had to undertake this journey to this Bench of the Tribunal for claiming release of commuted value of pension and also interest on the delayed amount of other retiral benefits.

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2. I have heard the learned counsel for the parties and have carefully perused the pleadings and records of this case. I proposed to decide the same at the stage of admission keeping in view the urgency of same.

3. Skipping of the unnecessary details, the material facts required for resolving the controversy involved in this case as may be succinctly put in, are that the applicant served as Security Guard, in the respondents' department till his retirement on 31.8.99 and was sanctioned with pension vide PPO dated 19.7.99. He was sanction Rs. 74,445/- towards commuted pension and Rs. 1, 51,354/- towards Gratuity, but the same were not paid to him in time.

4. The respondents have been very plain and fair in the matter and have given the actual dates of payments made to the applicant as under:-

"Commuted Value of pension	:	Rs.76,989/-vide Cheque No. 458324 dt. 22/11/2002.
DCRG	:	Rs.71,445/- vide Cheque No. 91539 dt. 2/7/2001
GPF amount	:	Rs. 18,750/- vide D.D. No. 142013 dt. 11/05/2000
CDA (arrear)	:	Rs. 4,092/- paid on 18/12/2000
Salary (August, 1999)	:	Rs. 3,731/- paid on 15/11/1999
Leave Encashment	:	Rs. 6,000/- paid on 13/03/2000"

5. Both the learned counsel for the parties have reiterated their pleading and we notice that the aforesaid facts are undisputed. So far as the remaining retiral benefits including the D.C.R.G. are concerned, it will be seen that the applicant claims interest from 1.9.99 upto the date of actual payment. I am inclined to

accept the claim of the applicant so far it relates to the interest on the Gratuity, and Leave Encashment amount is concerned. As regards the amount of Commutation is concerned, there would be no question on such amount since one is paid full pension till the actual date of payment of commutation amount.

6. So far as interest on Provident Fund is concerned, the contention of the applicant is that, he is entitled to interest from 1.9.99 to 11.5.2000. I am not inclined to accept the contention of the applicant that he is entitled to interest on Provident Fund balance from the date of retirement. There are separate rules governing the provident fund and following the principle that a special law over-rides the general law, the provision relating to Provident Fund Rule would have to be followed in the matter of payment of interest on provident fund balance.

7. In the result the Original Application has merits and substance and the same stands allowed in part. The applicant shall be entitled to interest, at the rate of 8% p.a, on the due amount of the DCRG, GPF and Leave Encashment for the period from the date of retirement i.e. 1.9.99 till the date of payment as indicated in para 3 above. The respondents' No. 1 and 3 are directed to make the payment ~~on~~ the due amount within a period of three months from the date communication of this order. Costs made easy.

[J.K.Kaushik]
Judl.Member

jrm

copy of Order dated 23/04/04
Received
26/04/04

Regd. O.D. Copy of ordered 23/4/04
Sent to Applicant vide No 157 dt 10-5-04

Copy Order Served
As per A.D

21/06/04

Part II and III destroyed
in my presence on 24/10/13
under the supervision of
section officer ( ) as per
order dated 18/10/13

Section officer (Record) 24.10.2013