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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

Original Application No. 05/2004

Date of Decision: 17.03.2005

Hon'ble Mr. G.R. PATWARDHAN, ADMINISTRATIVE MEMBER

Shri S.K. Kataria S/o Shri Mangla Ram Ji, aged about 65 years, resident of -Ward No.-10, Suratgarh, District-Sri Ganganagar (Raj.), last employed on the post of U.D.C. In the Central State Farm Suratgarh under Ministry of Agriculture.

Applicant.

→ (Mr. B.Khan, Counsel for the applicant.)

VERSUS

1. The Union of India through-the Secretary, Ministry of Agriculture, Department of Agriculture & Cooperation, Krishi Bhawan, Rafi Marg, New Delhi.
2. Chief Administrative Officer, State Farm Corporation of India, 14-15 Farm Bhawan, Nehru Place, New Delhi.
3. Director, Central State Farm Suratgarh, District-Sri Ganganagar (Raj.)
4. Pay & Accounts Officer, Ministry of Agriculture, Department of Agriculture & Cooperation, Room No.-105, F-Wing Shastri Bhawan, New Delhi-110001.
5. Pay & Accounts Officer, Central Accounts Officer, Ministry of Finance (Department of Expenditure) Trikoot-II, Complex Bhikaji Complex, Behind Hotel Hyatt Regency, New Delhi- 110066.

Respondents.

→ (Mr. Dipendra Singh, brief holder for Mr. Ravi Bhansali, counsel for respondents No. 1,4 & 5)



ORDER(Oral)

G.R. Patwardhan, Adm. Member

Shri S.K. Kataria, last employed as a U.D.C. in Central State Farm, Suratgarh under Ministry of Agriculture has filed this O.A against five respondents led by the Secretary, Ministry of Agriculture, Department of Agriculture & Cooperation representing Union of India, two officers of the farm at Suratgarh, Pay and Accounts Officer, Department of Agriculture and lastly the Pay and

→ (Mr. B.Khan, Counsel for the applicant.)

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Accounts Officer of the Ministry of Finance. Notices have been served on respondent No. 1, the Secretary as well as respondent No. 4, the Pay and Accounts Officer. Reply has been filed accordingly by only respondent No. 4.

2. The learned counsel for applicant, Mr. B.Khan and Mr. Dipendra Singh, proxy counsel for Mr. Ravi Bhansali have been heard. The application; seeks direction for payment of interest on delayed payment of retiral benefits.

3. It is admitted position that the applicant has retired from the services under respondent No. 2 and 3 on 30.04.1996 and this O.A. is for seeking payment of interest at the rate of 18 per cent on delayed payment of all retiral benefits as the applicant was paid some of these amounts much after his retirement for no apparent reason. Annexure A/4 is a representation regarding the deduction of penal rent allowance and by way of amplification of his prayer, a statement has been attached to it which shows the due date of various types of payments like unpaid salary, leave encashment, GPF etc., as also the dates on which these amounts were actually paid, the period by which the payment was delayed and compound interest calculated at the rate of 12 per cent. The applicant would like the Tribunal to believe that some of these payments were withheld by the authorities without any reason which is not justified and for a poor person like him who retired as a U.D.C., this has resulted in financial hardships and so as described above interest may be ordered to be paid. On behalf of respondent No. 4; the Comptroller of Accounts, a very senior officer of the Ministry of Agriculture and Cooperation has filed a reply which is on record. In Paragraph 5 of the reply, the Comptroller of Accounts has explained,

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how there was no delay in processing the case of the applicant by him. In particular it is indicated that action was taken immediately on the receipt of necessary papers from the concerned authorities.



4. No reply has been filed by the Union of India nor the counsel instructed in any manner. In the circumstances where respondent No. 4 could have acted only after receiving necessary papers from the superior officer of the applicant, it appears necessary in the interest of justice that this O.A be treated as a representation of the applicant to respondent No.1 and is considered by it and disposed of by speaking order. Accordingly, respondent No.1 is directed to treat this O.A as a representation, examine and pass speaking order within 120 days of the receipt of this order. The result shall be communicated to the applicant within another 30 days. The applicant would be at liberty to agitate the matter again if so advised.

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(G.R. Patwardhan)
Adm. Member

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Reed
Dipandra Singh
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