

In The Central Administrative Tribunal  
Calcutta Bench

RA 25 of 1999  
MA 520 of 1999  
(OA 833 of 1997  
with MA 288 of 1997)

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

Union of India & Ors.

- Versus -

Hriday Ranjan Biswas

(Counsel present at the time of final hearing  
of the original application)

For the Review Application : Ms. K. Banerjee, Counsel

For the Original Application : Mr. B.F. Saha, Counsel

DISPOSED OF BY CIRCULATION

Date of Order : 28/9/2000

ORDER

RA 25 of 1999 has been filed by the respondents of OA. No. 833 of 1997 praying for re-hearing of the O.A. after review and recalling the final order passed on 10.6.1999 and modified on 20.7.99 disposing of the aforesaid O.A. This RA was filed on 17.9.99. MA 520 of 1999 is an application for condonation of delay of 74 days in filing the Review Application.

2. In the OA the original applicant had prayed for interest for delayed payment of his pensionary benefits. The original applicant retired on superannuation w.e.f. 31.8.94 and there was admittedly some delay in making payment of retiral dues including pension. This Bench, following the decision of the Hon'ble Supreme Court in the case of Dr. Uma Agarwal - versus - State of U.P. & Ors, allowed the application and directed the respondents to pay interest at the rate of 12% per month on the amount of settlement dues to the applicant from the date

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of retirement till the date of payment. Subsequently, the matter was mentioned by Mrs. K. Banerjee, Id. Counsel for the respondents on 20.7.99 and pointed out that the word per-month appearing in the final order was wrongly typed and it should be per-annum. The submission of Id. Counsel for the respondents was found to be correct<sup>and</sup> in presence of both the Counsel the aforesaid expression of per-month was modified as per-annum. Thereafter, the present RA has been filed along with MA for condonation of delay.

3. In the RA the respondents have pointed out that the original applicant having retired on superannuation on 31.8.1994, his monthly pension was due w.e.f. 30.9.94 as per Rule 85 (2) of CCS Pension Rules, 1972 and therefore, he cannot be paid interest from the date of his retirement and interest, if any, is to be paid from 1st October '94 i.e. the date when such pension was due.

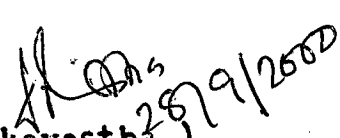
4. In the condonation application there is no satisfactory explanation as to why the respondents could not file the RA in time. In para 4 & 5 of the aforesaid MA 520/99 it is mentioned that "the stipulated period of 2 months for implementation from the date of communication of the order dated 10.6.99 has expired on 1.9.99. It is to be noted that the cheque for payment of the retirement dues has been issued on 1.9.99 and the applicant has been informed accordingly to get the cheque from the officer after due formalities to be completed by him. It is further stated that there is no deliberate and/or intentional delay in complying with the order of the Hon'ble Tribunal.

From the aforesaid fact, the Hon'ble Tribunal may kindly appreciate that the petitioners/respondents have persuated the matter diligently and without any laches but there is only days delay in complying the exercise within the stipulated period and your Lordships may be graciously pleased to condone the delay of filing the present application for condonation of delay beyond the stipulated period by 74 days".

  
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5. It is not understood as to how the respondent filed the RA after the date of expiry of the date of implementation of the final order passed in O.A. As already pointed out above there is no satisfactory explanation in the condonation application for the delay. I have already pointed out that on 20.7.99 i.e. more than one month after the final order was passed in the OA on 10.6.99 the respondents mentioned the matter for correction of typographical error which was accepted and the order was modified. Had the respondents been diligent enough, they would have filed the RA within the stipulated period of one month or even it could have been mentioned on 20.7.99 when the Id. Counsel for the respondents pointed out the typing error.

6. I am not satisfied with the explanation for the delay. The RA having been filed after the date of implementation of the order, had already expired, it cannot be considered on merit. Accordingly, RA is dismissed. MA also stands dismissed accordingly.

  
( D. Purkayastha )  
Member (J)

28/9/2002