

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 526/96

Wednesday, this the 12th day of November, 1997

C O R A M :

HON'BLE MR A V HARIDASAN, VICE CHAIRMAN
HON'BLE MR S K GHOSAL, ADMINISTRATIVE MEMBER

C Narayanan Namboodiri
Accounts Officer in-Charge of
General Manager (Finance)
Kerala Minerals & Metals Limited
Chavara P.O.
Kollam

.. Applicant

By Advocate Mr PV Mohanan

Vs

1. Senior Accounts Officer(Pension)
Office of the Chief Controller of
Defence Accounts
(P), Allahabad
2. The General Manager
Cordite Factory, Ministry of Defence
Aruvankadu P.O
Nilgiris - 643 202
3. The Chairman
Ordnance Factory Board
10-A Auckland Road
Calcutta - 700 001
4. The Secretary
Ministry of Defence
Department of Defence Production
& Supplies
New Delhi

.. Respondents

By Advocate Mr PR Ramachandra Menon, ACGSC (R1-4)

The application having been heard on 12.11.1997, the
Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR A V HARIDASAN, VICE CHAIRMAN :

The applicant who was initially appointed as
Supervisor in Cordite Factory under the Ministry of Defence
in 1977 applied for the post of Assistant Accounts Officer

in Kerala Minerals & Metals through proper channel. He was appointed as Assistant Accounts Officer in 1987 and was permanently absorbed in the Establishment with effect from 4.4.1989. While appointing him initially in Kerala Minerals & Metals he had retained lien with the parent department for two years. His present grievance is that he has not been given the pro rata retiral benefits to which he is entitled with effect from 4.4.1989. He was given a monthly pension at the rate of Rs.277/- by order dated 21.11.94 which according to him did not meet his entitlement. Under these circumstances, he has filed this Original Application for the following reliefs :-

1. To direct the respondents to grant one time lumpsum amount (retiremental benefits) in lieu of monthly pension with effect from 4.4.89, the date on which the lien of the applicant in the parent department is terminated.
- ii. To award interest at the rate of 25% per annum for arrears of amount of one time lumpsum and gratuity from 4.4.89 till the date of payment.
- iii. To refund the leave salary contribution paid by the applicant while in service during the lien period in the parent department with interest at the rate of 18 % per annum.
- iv. Any other order or direction as this Hon'ble Tribunal deem fit in the interest of justice.

2. The respondents have in the reply statement and additional reply statement have stated that the pro rata pension was revised to Rs.375/-per month with effect from 4.4.89 by order dated 21.11.94, that the same was paid thereafter, that subsequently one time payment was made, capitalising the pro rata pension, and deducting what was paid monthly after 21.11.94. Thus regarding pro rata pension

the respondents contend that the applicant has no more subsisting grievance. Relief on pro rata pension to re-employed person not being admissible, the claim for the same and refund of leave salary contribution is not maintainable according to the respondents.

3. The applicant has admitted the receipt of capitalised value of pension deducting pro rata pension paid from 21.11.94 upto 30.9.95 on 15.10.96. Learned counsel for the applicant stated that the applicant is not pressing the claim for relief and for leave salary contribution, but argued that as payment of capitalised pro rata pension was made only on 15.10.96 while the pro rata pension was paid upto 30.9.95, the applicant is entitled to interest on the entire capitalised value from 30.9.95 till 15.10.96. We are of the considered view that the claim is well founded. The respondents counsel stated that payment of interest may not be ordered and that even if interest is directed to be paid penal interest at the rate claimed may not be allowed. We find that interest of justice will be met if the respondents are directed to pay interest at 12 % per annum on the sum of Rs. 72,405/- from 1.10.95 till 15.10.96.

4. In the result, the application is disposed of with a direction to the respondents to pay interest on Rs.72,405/- at the rate of 12 % per annum from 1.10.95 till 15.10.96 within a period of two months from the date of receipt of a copy of this order. No costs.

Dated, the 12th November, 1997


SK GHOSAL
ADMINISTRATIVE MEMBER


AV HARI DASAN
VICE CHAIRMAN

vs