

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.613/99

Friday, this the 3rd day of March, 2000.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

V.P.Parthasarathy Kurup,
Retired Assistant Central Intelligence
Officer, Central Intelligence Office,
Ernakulam, Residing at:
Valavath House, Zilla Court Ward,
Thathampally.P.O., Alleppey.
(By Advocate Mr KRB Kaimal) -Applicant

Vs

1. Union of India
represented by Secretary,
Ministry of Home Affairs,
New Delhi.
2. The Pay & Accounts Officer,
Intelligence Bureau,
(Ministry of Home Affairs),
AGCR Building, New Delhi.
3. The Pay & Accounts Officer,
Central Pension & Accounting Office,
Trikoot II Complex,
(Behind Hotel Byatt Regency),
New Delhi-110 066.
4. The Joint Director,
Subsidiary Intelligence Bureau,
(Ministry of Home Affairs),
Govt. of India,
Trivandrum.
(By Advocate Mr MR Suresh, ACGSC) -Respondents

The application having been heard on 3rd March, 2000,
the Tribunal on the same day delivered the following:

ORDER

The applicant who retired from service on 31.3.1998
is aggrieved that his retirement dues were not paid to him in
time. Therefore, the applicant has filed this application
for the following reliefs:

...2/-

i. "An order directing the respondents to draw and disburse to the applicant, the sanctioned pension, and the balance amount in the Provident Fund Account of the Applicant, together with interest at 18% on both the amounts from 1.6.1998 till date of payment.

ii. An order directing respondents to draw and disburse interest at 18% p.a. on the amounts of Commuted Pension, the amount due under Group Insurance, and surrender leave salary, for the period from 1.6.1998 till the respective dates of payment.

iii. Such other order or direction as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

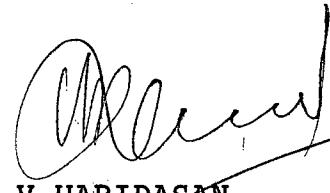
2. The respondents admit that there was a delay in paying the applicant's pension and other retiral benefits but would attribute the reason to the applicant in as much as it was only on 28.11.97 that the applicant submitted his pension papers that too not complete in all respects.

3. We are informed that after filing of this application, the retiral dues have been paid. However there is a question of interest involved in this case. The DCRG was paid only on 15.1.99, the Group Insurance amount on 8.2.99 and arrears of pension on 23.7.99. Though there was a delay in payment of PF, interest had been paid upto the due date. Regarding the delay in making payment the contention of the respondents that the applicant is to be blamed for he submitted the pension papers prepared and signed only on 28.11.97 has no force, because it is evident that the applicant was asked to submit his pension papers by the concerned authority in the department on 25.11.97. The Head

of Office should have got the pension papers prepared and signed well in advance. The duty cannot be cast upon the retiring official. The gratuity, group insurance amount and arrears of pension should have been paid to the applicant at least on 31.6.98 i.e. three months after the date of his superannuation. Therefore, on the delay in payment of DCRG, Group Insurance amount and the arrears of pension the respondents are bound to pay to the applicant interest at 12% per annum from 1.7.98 to the respective dates of payment.

3. In the result, the application is disposed of directing the respondents to pay to the applicant the interest at 12% on the amount of DCRG, Group Insurance Amount and arrears of pension from 1.7.98 till the date of payment. Regarding the arrears of pension interest will be calculated from the date when the successive payment of pension fell due. The above directions shall be complied with within a period of three months from the date of receipt of a copy of this order. No costs.

Dated, the 3rd March, 2000.



A.V. HARIDASAN
VICE CHAIRMAN

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