

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.92/2002

Thursday this the 13th day of June, 2002

CORAM:

HON'BLE SHRI A.V.HARIDADAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T.NAYAR, ADMINISTRATIVE MEMBER

C.K.Vijayan,
Retired Safaiwala,
I.N.S.Agrani,
Coimbatore-18. Applicant

(By Advocate Sri T.C.Govindaswamy)

vs.

1. Union of India represented by
The Secretary to the Government of India,
Ministry of Defence, New Delhi.
2. The Controller of Defence Accounts(Pensions),
Allahabad.
3. The Flag Officer Commanding-in-Chief,
Headquarters, Southern Naval Command,
Kochi-682004.
4. The Commanding Officer,
I.N.S.Agrani, Coimbatore-18.

(By Advocate Mr.C.Rajendran,SCGSC) Respondents

The Application having been heard on 13.6.2002, the Tribunal on the same day delivered the following:-

ORDER

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicant, who was appointed as Safaiwala in INS Agrani, Coimbatore was compulsorily retired from service w.e.f. 17.11.99. Though the applicant filed an appeal, the appeal was dismissed on 12.4.2000. The applicant submitted his pension papers in November, 2000. Finding that his pension claim were not settled, the applicant has filed this application for a direction to the respondents to settle and pay forthwith the applicant's pension and other retiral benefits including

retirement gratuity, commuted value of pension, general provident fund amount, C.G.E.G.I.S. benefits and leave salary and direct the respondents to pay interest at the rate of 18% per annum on the retiral benefits atleast w.e.f. 1.4.2001 till the date of full and final settlement of the same.

2. The respondents did not dispute the fact that the applicant was compulsorily retired from service w.e.f. 17.11.99, that the appeal was dismissed on 12.4.2000 and the applicant submitted his pension papers in November, 2000. It is contended that the verification of service details for fixation of pay, pension, gratuity and other retiral benefits of the applicant took some time and the order regarding the settlement of pension and other retiral benefits could be issued only in April,2002. Stating the delay was not on account of any inaction, the respondents contended that the interest cannot be granted.

3. We have perused the materials placed on record and heard the learned counsel on either side. The learned counsel for the applicant states that the gratuity and other retiral benefits due was paid to the applicant only in May, 2002. Since the applicant had submitted the pension papers in November, 2000, the verification of papers and to finalise the pension and other retiral of the applicant should not have been delayed beyond 6 months from November 2000 in any case. The delay in settlement of the claim of the applicant and payment of gratuity and other

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retiral benefits beyond 6 months from November, 2000, is unjustified. Respondents therefore have to give the applicant interest on pension, gratuity and other retiral benefits from 1.6.2001 onwards .

4. In the result, in the light of what is stated above, we dispose of this application directing the respondents to give interest on gratuity, arrears of pension and other retiral benefits due to the applicant at the rate of 9% per annum from 1.6.2001 till the date on which they were paid to the applicant. The above direction shall be complied with within a period of two months from the date of receipt of a copy of this order. No costs.

Dated the 13th June, 2002.



• (T.N.T.NAYAR)
ADMINISTRATIVE MEMBER
opb



(A.V.HARIDASAN)
VICE CHAIRMAN

APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the Order bearing No.CS 2692/74 dt.17.12.99 issued by Commodore, Chief Staff Officer(P&A) HQ, SNC, Kochi.
2. A-2 : True copy of the Order bearing No.2696/17 dt.12.4.2000 issued by the 3rd respondent.

Respondents' Annexures:

1. R-1 : True photocopy of letter 269 dated 12th Jan. 2000 issued from INS Agrani.
2. R-2 : True photocopy of letter dated 26th July, 2000.
3. R-3 : True photocopy of Payment voucher No.51 dated 21 Oct, 2000 signed by the applicant.
4. R-4 : True photocopy of payment voucher No.03 dated 01 Dec., 2000.
5. R-5 : True photocopy of letter dated 11 Jan., 2002.
6. R-6 : True photocopy of letter dated 20 Feb. 2001.
7. R-7 : True photocopy of Order No.CS 2692/74 dt.04 July 2001.
8. R-8 : True photocopy of letter dated 30 April 2001.
9. R-9 : True photocopy of letter dated 28th May, 2001.
10. R-10: True photocopy of letter 275 dated 16th Oct. 2001.

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