

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.105/2002

Monday this the 15th day of April, 2002

CORAM:

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

P. Bharathan,
Panankavil House,
Thana P.O.
Kannur District. Applicant

(By Advocate Sri V.Premchand)

vs.

1. The Union of India, represented
By Secretary, Ministry of Defence,
New Delhi.
2. The Chief Engineer,
Southern Command,
Head Quarters Southern Command,
Engineers Branch,
Pune-411 001.
3. Commander Works Engineer,
Naval Academy Ezhimala,
Ettikulam P.O., Pin-670 308,
Kannur District. Respondents

(By Advocate Sri K.Kesavankutty)

The Application having been heard on 15.4.2002, the Tribunal on the same day delivered the following:-

ORDER

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

The applicant who retired from service on 31.7.2000 caused a Lawyer notice to be sent on 12.10.2000 to the respondents alleging that there was an inordinate delay in payment of pension and gratuity etc. and claiming interest at the rate of 18% per annum on the delayed payment with costs of Lawyer notice. The Lawyer of the applicant was informed by A-2 letter dated 31.10.2000 that the matter of disbursement of pension and other terminal benefits of the applicant has been taken up vigorously

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and in case if there would be delay, they were prepared to make provisional payment. In reply to this, the 2nd Lawyer notice was issued on 13.11.2000 stating that the applicant was not amenable to provisional pension and claiming interest @18% per annum on the belated payment. The 2nd respondent addressed the Controller of Defence Accounts for the speedy disbursement of the applicant's pension, in reply to which A-4 letter was issued by the Controller of Defence Accounts stating that there has been some delay in his office which is regretted and that the matter would be immediately settled and also requesting the 2nd respondent to apprise the applicant of the situation. Thereafter, the Pension Payment Order and other relevant orders were issued on 4.12.2000 and the applicant received the pension on 23.12.2000. Alleging that on account of the delay in disbursement of the pension and retiral benefits of the applicant, the respondents are liable to pay interest, the applicant has filed this application seeking for a direction to the respondents to pay interest @12% per annum from 1.8.2000 to 23.12.2000 on the retiral benefits of the applicant.

2. The respondents have filed a detailed reply statement in which they seek to explain the reason for the delay. When the O.A. came up for disposal today, learned counsel of the applicant states that the application may be disposed of permitting the applicant to make a representation to the 2nd

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respondent claiming interest as per rules on the delayed payment of gratuity and other retiral benefits and directing the 2nd respondent to dispose of the representation.

3. Learned counsel of the respondents states that the respondents have no objection in disposing of the application in that manner.

4. In the light of the above submission made by the learned counsel on either side, without going into the merits of the case, the application is disposed of permitting the applicant to make a representation seeking interest as per rules on delayed payment of gratuity etc. within one month from today and directing the 2nd respondent, that if such a representation is received, the same shall be considered in the light of the facts, circumstances, rules and instructions on the subject and an appropriate reply be given to the applicant within a period of two months from the date of receipt of the representation. There is no order as to costs.



(A.V.HARIDASAN)
VICE CHAIRMAN

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of the lawyer notice dt.12.10.2000.
2. A-2 : True copy of the reply dated 31.10.2000 sent by the 2nd respondent.
3. A-3 : True copy of the notice dated 13.11.2000.
4. A-4 : True copy of the producing communication dated 4.1.2001 along with enclosed letter dated 30.11.2000 addressed by the Controller of Defence Accounts, Chennai.

Respondents' Annexures:

1. R-1(a): The copy of the official reminder letter vide GE 881 Engineer Works Section, Ezhimala letter No.1017/166/E1 dated 4.10.1999 issued by the E1 Section of Garrison Engineer in favour of E2 Section where Applicant was working at that time.
2. R-1(b): True copy of letter No.1017/P/1/E1 dated 11.10.1999 issued by the Garrison Engineer 881 Engineer Works Section Ezhimala Ettikulam PO in favour of the Chief Engineer (E1R/VG), Southern Command, Pune-1.
3. R-1(c): True copy of the letter No.190110/2/SZ/P Bharathan/7-2000/E1R dated 31.1.2000 forwarded by the Chief Engineer Southern Command, Pune to the Chief Controller of Defence Accounts (Pension) through Controller of Defence Accounts Chennai.
4. R-1(d): True true copy of forwarding letter No Pay/11/218/Corr/T-9 dated 31.10.2000 of Controller of Defence Accounts Chennai in favour of Chief Controller of Defence Accounts (Pension) Allahabad.
5. R-1(e): The true copy of the telegram No. C/190110/2/SZ/P Bharathan/7-2000/E1R (PG-II) dated 15-11-2000 sent by the Chief Engineer Southern Command Pune to the Chief Controller of Defence Accounts (Pension) Allahabad.

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