

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 344 OF 2009

Thursday, this the 14th day of January, 2010.

CORAM:

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

V.P. Kamalamma, Registrar (Rtd),
C.A.T. Jodhpur Bench, residing at
Neel Kamal, Haripad P.O.,
Alappuzha District.

... Applicant

(By Advocate Mr. R. Rajasekharan Pillai)

versus

1. The Central Administrative Tribunal,
rep. by the Registrar, Principal Bench,
61/35, Copernicus Marg,
New Delhi – 110 001.

2. The Central Administrative Tribunal,
Jodhpur Bench, rep. by the Registrar,
Near Rajasthan High Court,
Jodhpur – 342 006.

3. Mr. N.D. Raghavan,
Hon'ble Vice Chairman,
The Central Administrative Tribunal,
Jodhpur Bench, Near Rajasthan
High Court, Jodhpur – 342 006.

... Respondents

(By Advocate Mr. M.V.S. Nampoothiry, ACGSC)

The application having been heard on 14.01.2010, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

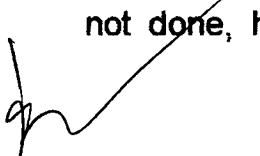
The applicant, retired as Registrar of the Central Administrative Tribunal, Jodhpur Bench has filed this O.A. ventilation her grievance over the non payment of her terminal benefits and praying for a direction to the respondents to pay the same with interest. Personal malafide had been alleged against respondent No. 3 also.

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2. To narrate the brief facts of the case, the applicant superannuated on 31st January 2009 and thus she was entitled to various terminal benefits. According to the applicant, an amount of Rs.2,36,000/- which was to have been paid immediately to her was, due to the "uncompromising attitude adopted by the 3rd respondents was not settled". Certain reference made by the applicant to the Principal Bench in respect of LTC claim of the 3rd respondent was stated to have been the reason for the non settlement. Claims submitted by an Administrative Member after that of the applicant was stated to have been cleared, while that of the applicant remained unsettled. Applicant had also submitted a representation vide Annexure A-11 to the Hon'ble Chairman, Central Administrative Tribunal in regard to the claim of the applicant.

3. Respondent No. 3 had filed a separate extensive reply, while the first and second respondent had filed a single reply. In their reply, the said respondents have stated that the claims made by the applicant required considerable period for examination, verification, calculation, approval and sanction by the competent authority and clearance thereafter by the Pay and Accounts Office prior to disbursement. DA arrears of Rs.3,097/- was paid to the applicant on 16-05-2009 while TTA claim of Rs.1,04,055/- has been disbursed vide demand draft dated 23rd August, 2009. A sum of Rs.41,008/- towards C.G.E.G.I.S. was being deposited by demand draft No.348418 and so also with regard to the withheld amount for adjustment of unassessed dues. Certain doubts were there with regard to the LTC claim and as such, it took some time.

4. Respondent No. 3 had inter alia stated that for certain reason, the Principal Bench was requested to deal with the claim and once the same was not done, he had instructed the Registry to submit all the claims before the



successor of the said respondent, who by then had been transferred out of Jodhpur.

5. At the time of hearing counsel for the respondents submitted that all the claims have by now been fully settled. While admitting the fact of dues having been paid to the applicant, counsel for the applicant however submitted that there has been inordinate delay in payment of the amount.

6. It is true that when an individual retires from service, all his/her dues are to be cleared as early as possible to enable the retired individual to suitably plan for the future. Certain time limit for payment of each due has also been provided for in the rules concerned and in case the payment has been delayed (not for reasons attributable to the claimant), Department may have to pay the interest as prescribed under the rules.

7. In the instant case, admittedly, the amounts due to the applicant having been disbursed, all that is to be seen is whether there is any avoidable delay for a considerable period attributable to the Department, in which event, payment of interest could be considered. However, prior to the claiming of the interest the applicant could well refer to the relevant rules and work out the interest and claim the same from the department and it is only when the same is denied, that the applicant could move the Tribunal. Giving the liberty to move such an application, the O.A. is disposed of. No cost.

(Dated, the 14th January, 2010.)


Dr.K.B.S.RAJAN
JUDICIAL MEMBER

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