

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.362/2003

Thursday this the 29th day of May, 2003.

C O R A M

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

K.N.Santhamma
Retired Deputy Post Master-I
Head Post Office, Ernakulam
Residing at Sreenikath, House No.701/28
Kadvanthra, Kochi-20.

Applicant

(By advocate Mr.T.M.Abdul Latiff)

Versus

1. Union of India represented by
Secretary to Government
Telecommunication Department
New Delhi.
2. Post Master General
Central Regional
Kochi.
3. Deputy Director,
Department of Postal Accounts
Thiruvananthapuram.
4. Senior Superintendent of Post Offices
Ernakulam, Cochin.

Respondents.

(By advocate Mr.Prasanth Kumar, ACGSC)

The application having been heard on 29th May 2003, the Tribunal on the same day delivered the following:

O R D E R

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

Applicant is a retired Deputy Post Master. Although she retired from service on 31.3.98, her pension and other retiral benefits were paid to her only on 29th September, 2001, that too after a series of litigation. The terminal benefits were not settled on account of pendency of a case in the Hon'ble High Court of Kerala regarding the caste status of the applicant and her entitlement to the reservation and concession available to the Schedule Tribe. However, ultimately, in obedience to the directions contained in the order of this Tribunal in OA No.879/2000, A-1 order was issued holding that the applicant was

entitled to the pensionary benefits. Thereafter on 29th September, 2001, the terminal dues of the applicant were paid to her. Alleging that for the long delay in payment of the terminal dues, the respondents are liable to pay interest to the applicant, the applicant has filed this application for a direction to the respondents 1 to 4 to pay interest at 18% per annum for the pensionary claim amounts disbursed to the applicant on 29th September, 2001.

2. I have gone through the application and the annexures thereto and have also heard Mr. Abdul Latiff, the learned counsel of the applicant and Sh. Prasanth Kumar, the learned ACGSC appearing for the respondents on notice. It is seen that the application is barred by limitation. Going by the averments in the application, it is seen that the pension and other retiral benefits were disbursed to the applicant on 29th September, 2001, but no interest was paid. If interest was due to the applicant, the non-payment thereof should have been challenged within one year from 29th September 2001. It appears that even on receipt of the terminal dues without interest, the applicant did not put forth any claim for interest by making representation either. If the applicant had made a representation, then probably she could have waited for six months and if no reply was received, filed an application within one year thereafter. Therefore, no such claim or representation was made on expiry of period of an year from 29th September, 2001 on which the cause of action arose, [^] The cause of action has become barred by limitation under Section 21 of the Administrative Tribunals Act. Hence the application is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985.

Dated 29th May 2003.


A.V.HARIDASAN
VICE CHAIRMAN

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