

Central Administrative Tribunal Lucknow Bench Lucknow.

O.A. No. 572/2005

This the 26th day of September, 2007.

Hon'ble Mr. M. Kanthaiah, Member (J)

Raj Kishore Shukla
Aged about 70 years,
S/o Late Shri Ishwar Deen Shukla
Resident of 101, Kurmanchal Nagar,
Post-Mahanagar, Lucknow.

By Advocate Shri D.D. Bajpai

Applicant

Versus

1. Union of India, through the Secretary Communication Deptt. Of Post, Dak Bhawan, Parliament Street, New Delhi.
2. Chief Postmaster General U.P. Circle, Lucknow.
3. Director of Postal Services, Lucknow.
4. Director of Postal Account, Nirala Nagar, Lucknow.
5. Senior Supdt. of Post Officers, Lucknow.

Respondents

By Advocate Shri D.P. Singh.

Order

Hon'ble Mr. M. Kanthaiah, Member (J)

The applicant has filed this original application, to issue direction to the respondents to pay interest on delayed payment on the ground that inspite of direction from the Tribunal, no such payment are made.

2. The respondents have denied the claim of the applicant, by filing counter affidavit and supplementary counter.



3. The applicant has filed Rejoinder reiterating his pleas in original application and denied the stand taken by the respondents.

4. Heard both sides.

5. The point for consideration is whether the applicant is entitled for the relief as prayed for.

6. The admitted facts of the case are that the applicant retired from service on 28.2.1994 and when the respondents did not pay his retrial and pensionary benefits, he filed O.A 642/1993 and the same was allowed on 25.4.2001 with direction to the respondents. When the respondent did not comply the said directions, the applicant filed C.C.P. 83/2001 in O.A. 642/93, and at that stage, the respondents have filed compliance report, stating that they have complied the directions of the Tribunal. Basing on such compliance report, the Tribunal dismissed the same on 28.5.2002 (Annexure CR-1) giving liberty to the applicant to made representation to the respondents, claiming remaining unpaid amount if any. Thereafter, the applicant also filed another application O.A. 101/2004 on the file of this court, in respect of his promotion and the same was disposed of on 16th March 2004 with a direction to the respondents to give effect to the sealed cover as per rules within a period of 2 months from the date of receipt of copy of order. But when the respondents did not comply the said direction, the applicant filed C.C.P. 59/2004 and upon which the respondents have filed compliance report (Annexure 11), upon which the same was dismissed.

7. Subsequently, the applicant made representation to the respondents on 10.12.2004 (Annexure 21), informing nonpayment of amounts and also interest as per the direction of the Tribunal in earlier O.As. But when the respondents did not give any response to such representation, the applicant again approached this Tribunal by way of this original application, claiming interest amounts on delayed payments of leave encashment, commutation, D.C.R.G., pay and allowances and pension arrears amounting to Rs. 43,005/-. But the respondents have opposed the claim of the applicant.

8. The short and limited question involved in this application is whether the respondents have not paid the interest amount as per the direction of the Tribunal in its earlier orders and the applicant is entitled for such amount as claimed by him.

9. Admittedly, this Tribunal allowed the claim of the applicant in O.A. 642/93 on 25.4.2001, to pay all his retrial/pensionary benefits with interest at 12% per annum from the expiry of three months of the date on which such benefits become due, till the day of actual payment.

10. In respect of claim No. I, in respect of leave encashment, after payment of last payment of Rs. 2120/- on 16.10.2004, the applicant claimed interest of Rs. 2874/- for which there is no answer from the respondent. Similarly Claim No. II, in respect of commutation for Rs. 3890/- towards interest also, no reply from the respondents stating that they have never made any such payment. In respect of claim No. III, D.C.R.G., for an amount of Rs. 9941 and claim No. IV, towards pay and allowances amount of Rs.

2705/- and also claim No. 5, Rs. 15,000 towards interest on pension arrears and all these are in respect of interest under respective heads claimed by the applicant after adjusting last payment in September and October 2004.

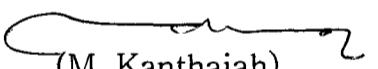
11. Therefore the respondents have filed counter affidavit and supplementary counter; they have not furnished any details of such payment made to the applicant. Further, before filing this O.A. also the applicant had issued a letter dated 10.12.2004(Annexure 2) giving details of all these claims towards interest in respect of delayed payment, for which the respondents have not issued reply which itself shows their non denial of such claims.

12. Admittedly, all the payments made towards leave encashment, commutation, D.C.R.G., pay and allowances and pension arrears are made with considerable delay after due date of payments, as such the respondents are liable to pay interest at 12% per annum on such delayed payments up to actual date of payment. It is the specific case of the applicant in respect of interest on each and every item of delayed payments. But the respondents, who simply denied with bald statement, did not file any calculation memo giving details of entitlement of the applicant and also date of such payments towards interest. Without furnishing all these details, the respondents are not justified to deny the claim of the applicant, who has been approaching the Tribunal again and again and this is 3rd round of such litigation against the respondents department for payment of his retrial/ pensionary benefits and interest thereon on delayed payments. In

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the absence of any material on record, this Tribunal has no option except to allow the claim of the applicant. And as such, the applicant is entitled for all these amounts, towards interest for an amount of Rs. 43,005/-, since, there is no material on record to show that any of these interest amounts have been paid to the applicant.

13. In the result, O.A. is allowed directing the respondents to pay the claim of the total amount of Rs. 43,005/- towards interest balance on delayed payments of leave encashment, commutation, D.C.R.G., pay and allowances and pension arrears within a period of 4 months from the date of receipt of copy of this order and in default, the respondents shall pay further interest at 9% per annum on such amounts from the date of this O.A. dated 28.11.2005 till the date of actual payment. No costs.


(M. Kanthaiah)
Member (J)

26.09.2007

v.