

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

**Original Application No.396/2007
This the 06th day of February 2009**

HON'BLE MR. M. KANTHAIAH, MEMBER (J).

D.P. Shukla, aged about 78 years son of late Sri Ram Krishna Shukla, resident of House No.F-9/35, Adarsh Marg-I, Sarvodaya Nagar, Lucknow.

...Applicant.

By Advocate: Shri Surendran P.

Versus.

1. Union of India through the Secretary Ministry of Information and Broadcasting, New Delhi.
2. Director General, All India Radio, New Delhi.
3. Station Director, All India Radio, Sangli, Maharashtra.
4. Pay & Account's officer, Prasar Bharti, Broadcasting Corporation of India, Pay & Accounts Office, All India Radio, Mumbai-20.
5. Deputy Director of Administration, Prasar Bharti Broadcasting Corporation of India, Directorate General, All India Radio, (S-II Section), Akashvani Bhavan, Parliament Street, New Delhi.

... Respondents.

By Advocate: Shri D.S Tiwari.

ORDER

BY MR. M. KANTHAIAH, MEMBER JUDICIAL.

The applicant has filed OA with a prayer to quash the order dt. 1.8.2007 (Ann-A-1) with a direction to the respondents for payment of

interest on the delayed payment of gratuity w.e.f. 1.11.1965 to 24.4.2004 at the rate of 18%.

2. The respondents have filed Counter Affidavit, denying the claim of the applicant stating that the impugned order dt.1.08.2007 is in accordance with rules and as such, the applicant is not entitled for any interest as claimed by him.

3. The applicant has filed Rejoinder Affidavit, denying the stand taken by the respondents and reiterated the pleas in OA.

4. Heard both sides.

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

6. The admitted facts of the case are that the applicant, who joined as clerk grade-II in the office of the respondents on 26.11.1954 and remained there up to 1.11.1965 and thereafter, because of his selection for higher post in HAL through proper channel he joined there. Thereafter, after his retirement, he made several representations to the respondent authorities for pro-rata pension and other benefits, but the same was rejected against which, he filed OA 343/1995 on the file of this tribunal and the same was allowed on 31.10.2002 with a direction to the respondents to pay the applicant pro-rata pension w.e.f. 1.11.1965 as per rules. Thereafter, his pension and gratuity was sanctioned on 24.4.2004 but no interest was paid on the ground of delayed payment. The applicant moved several representations to the authorities claiming interest on delayed payment from the date of his relieving the services of the respondents

on 1.11.1965 till the payment of gratuity on 24.4.2004. But, the authorities have rejected such claim of interest of the applicant and passed order dt. 1.8.2007 (Ann.A-1), which is under challenge in this OA.

7. The short question involved in this OA is whether the applicants is entitled for interest on delayed payment of DCRG w.e.f 1.11.1965 to 24.4.2004.

8. Admittedly, while allowing his earlier OA in 343/1995 dt. 31.10.2002, this tribunal directed the respondents to pay the pro-rata pension w.e.f. 1.11.1965 as per rules and because, of such order of this tribunal the respondent authorities paid DCRG to the applicant calculating his qualifying service. It is also not in dispute that there was delay in payment of such DCRG to the applicant and while making payment of DCRG the authorities have not paid any interest thereon. The correspondence between Respondent-3 and 4 covered under Ann-A-8 dt. 15.11.2006 and dt.... January, 2007 reveals that the applicant is entitled for interest on delayed payment of gratuity under the provision of Rule 68 (2) of CCS (Pension) Rules, 1972. But the respondent No.2 rejected such claim of interest on the grounds that there was no such direction in the earlier OAS i.e. OA.No.343/1995.

9. Though, there is no direction in respect of interest on delayed payment in earlier OA, this tribunal issued such directions for payment to the applicant as per rules and admittedly, Rule 68 of CCS (Pension) Rules, 1972 provides for payment of interest on delayed payment. It is also not in dispute that the said delay was only because of administrative lapse on the part of respondent authorities, but not of

the applicant and as such, the applicant is justified in claiming interest on delayed payment of DCRG from 1.11.1965 till 24.4.2004 as per rules.

In the result, impugned order dt. 1.8.2007 is set aside and OA is allowed with a direction to the respondents to pay interest on delayed payment of DCRG w.e.f. 1.11.1965 to 24.4.2004 within three months from the of supply of copy of this order. No costs.



(M. KANTHAIAH)

MEMBER (J)

06.02.2009

Amit/.