

**Central Administrative Tribunal, Lucknow Bench, Lucknow**

**Original Application No. 127/2009**

This the 23rd day of April , 2010

**Hon'ble Dr. A.K. Mishra, Member-A**

Jhabbar Yadav, Aged about 60 years, S/o late Sri Ram Roop Yadav, R/o Mohalla Bishunpurwa, Gandhi Nagar, Basti (Presently residing at Kalyanpur West, Lucknow) (lastly working as Senior Tax Assistant in Income Tax Office, Basti.)

.....Applicant.

By Advocate: Sri Prashant Singh for Sri R.C. Singh.

**Versus**

1. Union of India through the Secretary, Ministry of Finance, New Delhi.
2. Chief Commissioner of Income Tax, Lucknow.
3. Commissioner of Income Tax, Lucknow.
4. Additional Commissioner of Income Tax, Gonda Range, District Gonda.
5. Sri S.C. Gangwar, Chief Commissioner of Income Tax, Lucknow.
6. Sri O.P. Sachan, the then Commissioner of Income Tax, Faizabad, C/o Chief Commissioner of Income Tax, Lucknow.

.....Respondents

By Advocate: Sri Ashish Agnihotri

**ORDER (Oral)**

Heard both parties.

2. The claim of the applicant now is only in respect of interest payable to him for the delay which has taken place in disbursing his legitimate retiral dues.
3. According to applicant, he retired on 30.11.2008 and his retiral dues were paid in the following manner:

(i)	Gratuity/Commutted value of Pension	- 31.7.2009.
(ii)	Leave Encashment	- 17.8.2009

According to the learned counsel, these amounts should have been paid within three months of his retirement; therefore, the applicant is justified in claiming interest for the delay involved.

4. The competent respondent authority is directed to dispose of his claim towards the interest payable in respect of delay which cannot be attributed to laches on his part. It may be mentioned that in case the respondent authority finds that the demand of the applicant is legitimate, then simple prevailing interest at GPF rate may be paid to him. The respondent authority should dispose of this the claim of the applicant for interest within two months from the date of receipt of a copy of this order.

5. The O.A. is disposed of with the aforesaid directions. No costs.



(Dr. A.K. Mishra)  
Member-A

Girish/-