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CENTRAL ADMINISTRATIVE TRIBUNAL, ALI ALIABAD

LUCKNOW CIRCUIT BENCH

O. A 12/91 (L)
Dr. Ram Swarup Asthana Applicant

versus

Union of India & Others Respondents

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

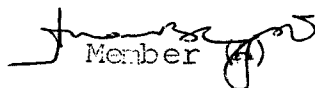
The applicant who retired as Joint Secretary from the Home Department, Govt. of U.P. on 31.7.87 has approached this Tribunal for the payment of penal interest at the rate of 18% on gratuity/pension/commutation as the same were not paid to him within the due time. Notices were issued to the respondents to show cause as to why interest at the rate of 18% , as claimed by the applicant, be not allowed. No one appeared on behalf of the respondents. On 30.8.91 another notice was issued to the Secretary, Deptt. of Appointment, Govt. of U.P. Lucknow to show cause as to why the interest at the rate of 18 percent, as claimed by the petitioner, be not allowed on the amount of pension/gratuity and commuted amount of pension as prayed for. If the cause is not shown the petition would be heard and decided ex parte. No one has appeared today. As such there is no option except to decide the petition finally.

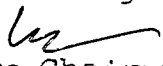
The applicant applied for pension on 22.7.87 and thereafter moved another application for expediting the same. Yet the matter was delayed and pension/gratuity/commutation was sanctioned only on 17.11.88. The applicant claimed interest over his amount at the rate of 18 percent but the same was not allowed. The

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respondents have not shown cause why the payment has been delayed. There appears to be no justification to delay the payment of pension/gratuity/commutation. With the above observation, we allow this application and direct the respondents to pay the interest at the rate of 12% to the applicant on the amount of gratuity Rs.68,150/- for the period October, 1987 to November, 1988 (14 months) and 12% as interest on pension for the period from October, 1987 to November, 1988 (14 months) and 12% on commutation of pension at Rs.86,358/- for the period from October, 1987 to November, 1988. The said amount shall be paid by the respondents to the applicant within two months from the date of receipt of the copy of this judgement. There will be no order as to costs.

After the judgement was dictated Shri V.C.Verma appeared on behalf of the respondents & filed an application for condonation of delay in filing counter.


Member


Vice Chairman.

Dated the 18th Sept., 1991.

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