

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA.

REGISTRATION NO. O.A. 368 OF 1996

DATE OF ORDER : 15.05.2000

Debi Kant Jha, son of late Bishwanath Jha, resident of F/171, People's Co-operative Colony, Kankarbagh, P.S. Kankarbagh, Town and District- Patna.

.....APPLICANT.

By Advocate Ms. Anjana Mishra.

Versus

1. The Union of India, through the Secretary, Department of Telecommunications, Govt. of India, Sanchar Bhawan, New Delhi.
2. The Director General, Telecommunications, Govt. of India, Sanchar Bhawan, New Delhi.
3. The Assistant Director General (N.B./PEN), Department of Telecommunications, Sanchar Bhawan, New Delhi.
4. The Chief General Manager (Maintenance), Eastern, Telecommunication Region, 7 Khetrodas Lane, Calcutta.
5. The Accounts Officer (T.A.), Office of the Chief General Manager (Maintenance) Eastern, Telecommunication Region, 7 Khetrodas Lane, Calcutta.
6. The Accounts Officer (Admn) Office of the Chief General Manager (Maintenance), Eastern, Telecommunications Region, 7 Khetrodas Lane, Calcutta.

.....RESPONDENTS.

By Advocates Shei Y.V. Giri with Shri J. Saran.

C O R A M

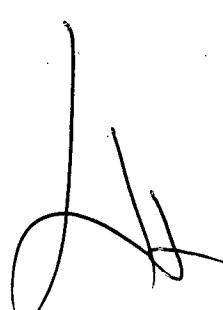
Hon'ble Mr. L. Hmingliana, Member (A).

O R D E R

L. Hmingliana, Member (A):-

applicant, he
This application filed by the Project Manager
of the Bihar State Electronic Development Corporation is
for payment of interest on belated payments of retirement
benefits he got from the Telecommunication Department from
whose service he was absorbed in the Corporation on
26.10.1987.

2. After joining ~~the~~ government service as Junior Engineer (or as Engineering Supervisor), he was sent on deputation to the Corporation on 12.7.1984. Then after protracted correspondence with the respondents, his request for absorption in the Corporation was / allowed, and sanction was issued by the Department of Telecommunication vide order dated 21.12.1988 (Annexure A/1), according to which his permanent absorption in the Corporation was with effect from 26.10.1987, and he was made entitled to prorata pension and gratuity based on the length of his qualifying service under the government, and the amounts of the prorata pension and gratuity were to be worked out and intimated to him, and the amounts were disbursible to him, provided he gave an undertaking that the approval of the government would be obtained before he took any private employment within a period of two years from the date of his absorption in the event of his ~~leaving~~ the ^{intension to leave} service of the Corporation on his own or at the instance of the Corporation. He was to exercise his option within six months from the date of the issue of the letter of sanction for either of the ~~alternatives~~ of receiving the prorata monthly pension and gratuity or receiving the prorate gratuity ~~or~~ and lump sum amount in lieu of ~~to~~ pension worked out with reference ~~comutation~~ table. He was also entitled to encashment of the earned leave at his credit on the date his resignation from the government

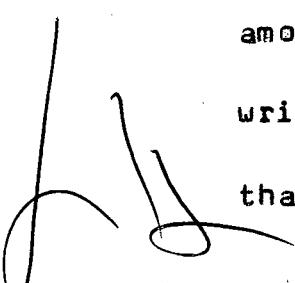


service was accepted, and also the amount of subscription together with interest in his GPF Account, or in the alternative he would be entitled to have his GPF Account transferred to the Corporation.

3. The payments of the retirement benefits were sanctioned as follows:

- (i) Leave encashment - Rs. 16,828/-, sanctioned on 17.1.1994.
- (ii) GIS - Rs. 2692/- sanctioned on 17.1.1994.
- (iii) DCRG - Total Amount- 27,419/- 3419 24000/- sanctioned on 21.4.1994.
- (iv) GPF balance - Rs. 43,134/- sanctioned on 26.4.1994.
- (v) Pension @ Rs. 817 P.M. sanctioned on 21.4.1994.

4. The applicant did not receive the payments immediately. He received the payments of amounts of GIS, leave encashment, gratuity and GPF on 25.8.1994, and the pension arrears amounting to Rs. 73,688/- on 4.5.1995. It is his case that he is entitled to payment of interest at the market rate after expiry of two months from the date of his absorption in the Corporation, which was 26.10.1987 or at least with effect from the date of the order granting sanction for his absorption, which was 21.12.1988. The amount of Rs. 3419/- was withheld from his DCRG amount, and ~~the~~ refund of the amount was one of the prayers, but it is stated in the written statement filed on behalf of the respondents that the amount was refunded to him on 6.1.1997.



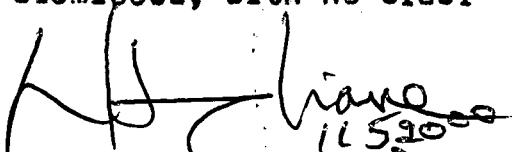
5. There is no clear provision in the CCS (Pension) Rules for payment of interest on belated payments of retirement benefits. The applicant's learned counsel, Ms. Anjana Mishra cited the judgement of the Supreme Court in O.P. Gupta v. Union of India & Ors, AIR 1987 SC 2257, wherein the Supreme Court granted payment of interest on retirement benefits including leave encashment @ 12 per cent per annum. If any interest is to be paid to the applicant, it will ^{be} ~~at~~ that rate of 12 per cent which will have to be made applicable.

6. It is stated in the OA as one of the grounds for relief that " the illegal action of the respondent authorities in depriving the applicant of his livelihood tantamount to deprivation of his life and the same are violative of Article 21 of the Constitution of India." But the applicant was not deprived of his livelihood so as to tantamount to ~~the~~ deprivation of his life. He has been continued for working in the Bihar State Electronic Development Corporation Ltd. , Patna , and there is no question at all of violation of the provisions of Article 21 of the Constitution of India. In fact the claims of the applicant for payment of interest because of the delay in making the payments of his retirement benefits cannot be likened to the case of the government servants who have finally retired from service. Then, he is not at all entitled to payment

of interest to accrue from the date immediately after expiry of two months from retrospective date of his absorption in the Corporation, or the date of ~~sanction~~ of his absorption. As stated in the written statement, it has to be clearly understood that the respondents had necessarily to spend some time in correspondence over the sanction of the retirement benefits and in making the actual payments, because even the address of the link Patna branch of the State Bank of Bikaner & Jaipur had to be ascertained from him as the payments were to be made to him through the link branch.

7. The applicant made his representation for payment of interest for the first time on 27.11.1995, and he filed the OA on 16.4.1996. Considering the fact that he continued to be a serving officer, even when the payments were made to him, and the fact that the respondents had necessarily to take some time in obtaining sanction for his absorption in Corporation and in determining the amount of retirement benefits payable to him, there is no case for payment of interest to him.

8. The application is dismissed, with no order as to costs.


(L. HMINGLIANA)
MEMBER (A)

/COS/