

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No.

127/87

198

~~TaxxxxNex~~

DATE OF DECISION 1.10.1990

Shri U.D.Sawant.

Petitioner

-

Advocate for the Petitioner (s)

Versus

Union of India & Ors.

Respondent

Shri Bhatkar

Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. M.Y.Priolkar, Member(A),

The Hon'ble Mr. D.K.Agrawal, Member(J).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

D.K. Agrawal

(D.K.AGRAWAL)
MEMBER(J).

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.127/87.

Shri U.D.Sawant.

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Member(A), Shri M.Y.Priolkar,
Hon'ble Member(J), Shri D.K.Agrawal.

Appearances:-

Applicant in person.
Mr.Bhatkar for respondents.

Oral Judgment:-

{Per Shri D.K.Agrawal, Member(J)} Dated: 1.10.1990

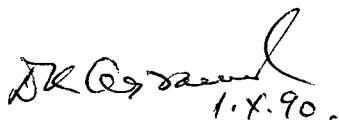
This application under section 19 of the Administrative Tribunals Act raises only one issue i.e. regarding the payment of interest to the Pensioner who retired from service on 31.5.1979. His contention is that retiral dues had been settled with inordinate delay. On the other hand, the opposite parties have pleaded that the dues were settled as early as possible and no intentional delay was caused. We have taken into account the facts and circumstances of the case and giving three months grace for payments, our conclusion is that the applicant is entitled to interest at the rate of 12% per annum on the following delayed payments:-

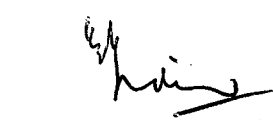
<u>Head</u>	<u>Amount</u> (Rs.)	<u>Interest due from and to</u>
Commutation of Pension	14,811.36	01.09.1979 to 23.11.1979
Arrears of Salary	01,261.30	01.09.1979 to 21.02.1980
Encashment of Leave	07,188.20	01.09.1979 to 07.01.1980
Difference in Pension	02,980.20	01.09.1979 to 31.12.1980

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Difference in Gratuity	03,920.40	01.09.1979 to 12.01.1981
Difference in Commuted value of Pension	07,907.76	01.09.1979 to 12.01.1981
Pay as a result of Refixation	00,446.50	01.01.1982 to 26.05.1987
Difference of Pay	01,237.60	01.01.1982 to 26.05.1987
Difference of Leave encashment	00,512.70	01.01.1982 to 26.05.1987
Revised Pension	@ 00,033.00 p.m.	The applicant will be entitled to interest at the rate of 12% p.a. on the enhanced amount of pension w.e.f. 01.09.1979 to 12.11.1987. Note: Interest will be payable on a minimum ^{lump sum} of Rs.1,600 for the period 01.09.1979 to 12.11.1987.
Gratuity Revised	01,409.10	01.09.1979 to 12.11.1987
Revised Commutation	01,380.70	01.09.1979 to 12.11.1987

As regards Factory Order No.799 dt. 11.6.1985 the opposite parties have stated in para 12 of their counter affidavit that the said order has not been implemented. Therefore, no adjudication is called for in this regard. We accordingly order payment of interest as above. Parties to bear their own costs.


(D.K. AGRAWAL)
MEMBER (J)


(M.Y. PRIOLKAR)
MEMBER (A).