

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 87 OF 1999.

Date of Decision: 25.03.1999.

Surinder Kumar Sawhney, Applicant.

Shri Suresh Kumar, Advocate for
Applicant.

Versus

Union Of India & Others, Respondent(s)

Shri V. S. Masurkar, Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R. G. Vaidyanatha, Vice-Chairman.

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- (1) To be referred to the Reporter or not? No
- (2) Whether it needs to be circulated to other Benches of the Tribunal? No

R. G. Vaidyanatha
(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 87 OF 1999.

Dated this Thursday, the 25th day of March, 1999.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

Surinder Kumar Sawhney,
Ex. Director of Film Division,
Film Division,
Ministry of Information & Broadcasting,
24, Peddar Road,
Mumbai - 400 026.

Residing at -

A-5, Hyderabad Estate,
Nepean Sea Road,
Mumbai - 400 036.

(By Advocate Shri Suresh Kumar)

... Applicant.

VERSUS

1. Union Of India through
The Secretary,
Ministry of Information
& Broadcasting,
Shastri Bhawan,
New Delhi - 110 001.
2. The Administrative Officer,
Film Division, 24 Peddar Road,
Mumbai - 400 026.
3. Sr. Accounts Officer (Pension),
The Pay & Accounts Officer,
IRLA Group, Ministry of
Information & Broadcasting,
A.G.C.R. Building,
Indraprashtha Estate,
New Delhi - 110 002.
4. The Estate Officer,
Office of the Estate Manager,
101, M. K. Road,
Mumbai - 400 020.

... Respondents.

(By Advocate Shri V.S. Masurkar)

: OPEN COURT ORDER :

¶ PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN ¶

This is an application filed by the applicant
praying for a direction to the respondents for payment of
monthly pension, commuted value of pension, gratuity and

other retirement benefits with interest @ 18% per annum from 01.06.1998. I have heard the Learned Counsels appearing on both sides.

2. The applicant who was working as a Director of Film Division in the Ministry of Information and Broadcasting, retired from service by taking voluntary retirement w.e.f. 01.06.1998. His grievance is that he has not been paid the pension and retirement benefits till now. He has therefore filed the present application on 02.02.1999 praying for retirement benefits with interest.

It is now admitted before me that the applicant has already received a cheque dated 10.02.1999 for a sum of Rs. 2,18,227.00 and also the P.P.O. for payment of pension.

Now the applicant's grievance is about claim of interest on delayed payment and claim for two amounts which are not yet paid, namely - the payment of CGEGIS and Leave Encashment for 24 days.

It is also seen from exhibit R-8 to the reply that by order dated 15.03.1999 cash equivalent to 24 days Earned Leave has been sanctioned but the payment has not made. As far as the claim for CGEGIS is concerned, the payment is withheld due to awaiting sanction of the competent authority.

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3. As already seen, the applicant has received/substantial compliance of his claim but the Learned Counsel for the applicant presses for interest on this amount from 01.06.1998 till the date of payment. The Respondents' Counsel submits that since it is a case of voluntary retirement, the papers were processed after 01.06.1998 and due to administrative difficulties there was some delay and, therefore, it is not a case for granting interest. But the Learned Counsel for the applicant submits that even after 01.06.1998 if three months margin is given for administrative delay, the respondents are liable to pay interest after the expiry of three months.

4. We have to make a distinction between retirement on superannuation and voluntary retirement. Even in case of retirement on superannuation, the Government has a margin time of three months from the date of superannuation, failing which, it is liable to pay interest. The reason is that, even when an officer is in service, the processing of pension papers is initiated about six months or nine months or even one year prior to the date of superannuation. But in the case of voluntary retirement, the papers will not be processed till the actual date of voluntary retirement. Then processing will have to start from that date and naturally, there will be delay in processing the papers. In this case, the applicant retired on voluntary retirement on 01.06.1998 and he submitted the pension papers a week later.

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5. Then the respondents have explained as to how and why the delay occurred in para 5.2 (c) of the written statement at page 32 of the paper book which reads as follows :

"The applicant had submitted the application for voluntary retirement in accordance with Pension Rules 48-A on 16.02.1998 addressed to the Hon'ble Minister MIB which is exhibited at Annexure R-1. Being a Group 'A' Gazetted post his request was referred to Ministry of Information & Broadcasting for acceptance vide letter No. A-19011/5/92-Estt.11 dated 2nd April, 1998. After verifying the service record of the applicant the Government has accepted the request of the applicant and allowed him to retire voluntarily Ministry's letter No. PF/ 21/FD dated 21st May, 1998 which is exhibited as R-2 and on the request of the Applicant he was allowed to retire from Government service voluntarily w.e.f. forenoon of 1st June, 1998 vide Order No. A-19011/5/92-Est.11 dated 27.05.1998 which is exhibited as R-3. On receipt of requisite pension papers/documents from the Applicant on 01.06.1998 same was forwarded to Respondent No. 3 vide letter No. A-19011/5/92-Est.11 dated 08.06.1998 which is exhibited As R-4. The Government have also issued the Notification in this regards on 22nd June, 1998. The documents called for by Respondent No. 3 vide their letter dated 01.09.1998 was forwarded to them by this Office letter No. A-19011/5/92-Est.11 dated 9th September, 1998. Since there was some technical problems about counting the past service of the applicant prior to joining Films Division in the Group 'A' Gazetted post Respondent No. 3 called for further details vide letter dated 12.11.1998

and same has been furnished to them vide letter dated 18.11.1998. The pension case has been finalised by Respondent No. 3 only in the mid February 1999. A copy of the PPO issued by Respondent No. 3 is exhibited at R-5."

6. In my view, the above reasons given by the Respondents show as to why there was delay in sanctioning the pensionary benefits to the applicant. There is no question of any willful or inordinate delay in sanctioning the retirement benefits to the applicant, particularly, having regard to his voluntary retirement w.e.f. 01.06.1998. Therefore, I feel that this is not a fit case for granting interest, even granting for a moment that there was delay of one or two months for payment of pensionary benefits.

As far as the applicant's claim for the two amounts which are not yet paid, we can grant some reasonable time for payment, failing which, the respondents would be liable to pay interest.

7. In the result, the O.A. is disposed of with the following directions:

The respondents are directed to make payment of amount due to the applicant on account of CGEGIS and encashment of leave for 24 days within a period of thirty days from the date of receipt of a copy of this order. However, if the amount is not paid within thirty days, then the respondents are liable to pay interest on the said amount to the applicant together

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with interest @ 12% p.a. from today till the date of actual payment.

The Learned Counsel for the applicant submits that he is not sure whether the arrears of pension from 01.06.1998 till date has been paid or not. The respondents should verify and find out and if not already paid, they must take necessary steps to intimate the Bank to pay the pension arrears to the applicant from 01.06.1998 as per P.P.O.

In the circumstances of the case, there would be no order as to costs.

R. G. Vaidyanatha
(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

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