

(21)
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**NEW BOMBAY BENCH****O.A. No. 548/91**
T.A No.**198****DATE OF DECISION** 15-10-1991J.G.Pawar

Petitioner

Mr. S. P. Saxena

Advocate for the Petitioner(s)

Versus

Union of India and others

Respondent

Mr. R. K. Shetty for R. Nos. 1, 2 & 3Mr. P. M. Pradhan for R. Nos. 4 & 5

Advocate for the Respondent(s)

CORAM

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

The Hon'ble Mr.

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

Y
(M.Y.PRIOLKAR)

(03)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.548/91

J.G. Pawar,
(Ex. Foreman (N/T) H.E. Factory Kirkee)
520, Rasta Peth,
Rawal Building,
Poona - 411 011. Applicant

vs.

1. Union of India
through
The Secretary,
Dept. of Defence Production
(South Block),
Ministry of Defence,
New Delhi - 110 011.
2. The General Manager,
High Explosives Factory,
Kirkee,
Poona - 411 003
3. The General Manager,
Ordnance Factory,
Bhusaval.
4. The Senior Treasury Officer,
Pune 411 001.
5. The Collector
Pune 411 001. Respondents

Coram: Hon'ble Shri M.Y. Priolkar, Member (A)

Appearances:

1. Mr. S.P. Saxena
Advocate for the
Applicant.
2. Mr. R.K. Shetty
Advocate for the
Respondents No. 1, 2 & 3
3. Mr. P.M. Pradhan
Advocate for the
Respondents No. 4 & 5

ORAL JUDGMENT: Date: 15-10-1991
(Per M.Y. Priolkar, Member (A))

The applicant herein is a retired Central Govt. employee. His grievance is that he retired from the office of the General Manager, High Explosives Factory, Kirkee on 31-7-1990 on attaining the age of superannuation. But his retirement dues comprising of DCRG and commuted value of pension ~~both~~ amounting to Rs. 1,12,464/- were paid to him only on 23-11-1990.

2. It is not disputed that this amount should have been paid on 1-8-1990 itself. It appears that the retirement papers including the Pension Payment Order were finalised well in time in March, 1990 itself i.e. much before the actual date of retirement of the applicant i.e. 31-7-1990. However, Treasury Officer, Pune took an inordinate ~~long~~ ^{long} delay of time from 1-8-1990 to 22-11-1990 to attend to and process the payment orders of the applicant. It appears that there was some lapse on the part of the Bankers also in referring the papers unnecessarily to the Treasury Office when under the rules they could have acted on their own on the payment orders issued.

3. Whoever may be at fault, the fact remains that the applicant who ~~was~~ at no fault has received ~~is~~ his dues amounting to Rs.1,12,464/- after a delay of three months and 22 days. His prayer ^{is} that he may be paid interest for this delay in payment. As this is a legitimate request the application is admitted and I proceeded to dispose it of finally after hearing the counsel of all the ^{Mr. Saxena,} ~~three~~ three parties viz. ^{for the applicant,} Mr. R.K. Shetty for Respondents No.1,2 & 3 and Mr. P.M. Pradhan for respondents No. 4 & 5.

4. ~~Respondent~~ The learned counsel for ^{referred to} ~~respondents~~ No.4 & 5 were ^{the} administrative instructions issued by the Central Govt. ~~whereby~~ whereby interest at 7% is payable for delay in payment of the dues beyond 3 months and at 10% for delay beyond one year. The learned counsel for respondents No.1, 2 and 3 argued that the respondents No.1, 2 and 3 had done their duty well in time and there was no reason why they ^{should} be penalised for the interest for the lapse of ^{the} other two respondents.

OK

In any case, ⁱⁿ view that the interest is clearly payable on the delayed payment and whoever may have to be blamed, ~~for~~ it is for the respondent No.2 as the employer who should ~~take~~ pay the required interest to the applicant for the delayed payment. As regards the calculation of interest, it appears that although three months time is permitted under administrative instructions, there are also instructions to ensure that Gratuity and commutation value of pension should now be paid to the employees on the day of their retirement date itself. In any case the ~~approx~~ payment would have been made on the 1st of August, 1990 in this case but for this negligence on the part of the employees of respondent No.4 or as is alleged by them, on the part of the Bankers who are also acting as gents of the Govt. The Central ~~Govt.~~ having ^{received} ~~used~~ the benefit of this money ~~having~~ ^{accept the} kept with them should legitimately debit ^{for} interest.

I accordingly direct the respondent No.2 to make payment of ~~xxxxxx~~ simple interest @ 12% for a period of three months on the amount ~~of~~ in question, viz. Rs.1,12,464/- ~~less~~ allowing 22 days as grace period.

The application is disposed of finally with this direction. There will be no order as to costs.

M.Y. PRIOLKAR
Member(A)