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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR.

O.A.NO. 1285/92 199
TR.A.NO.

DATE OF DECISION 25.4.1994

Shri L.B.Mahajan

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

1. Whether it be referred to the Reporter or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ?

MEMBER


(M.S.DESHPANDE)
VICE CHAIRMAN

mbm:

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY
CAMP : NAGPUR

OA NO. 1285/92

Shri Laxmanrao Budhram Mahajan ... Applicant
V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande

Appearance

Shri C.S.Taide
Advocate
for the Applicant

Shri P.S.Lambat
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 25.4.1994

(PER: M.S.Deshpande, Vice Chairman)

The only question which arises for consideration in this application is whether the applicant was entitled to interest on the delayed payment of retiral benefits. An order of compulsory retirement after completing the age of 50 years came to be passed against him on 5.11.1990 and he was retired on 18.12.1990. As is clear from the dates given in rejoinder filed by the applicant, (i) Provident Fund Rs.1,05,185/- was received on 3.6.1993 (ii) Pension and commuted value of pension Rs.1,00,931/- received on 3.6.1993; and (iii) DCRG amount Rs.57,700/- received on 10.7.1993. When the matter came up before the Tribunal on 1.11.1993 Shri Lambat for the respondents stated that the delay in making these payments ^{was} occasioned because the applicant did not give the particulars in time and we therefore asked the respondents to show when all the requisite particulars in the form were filled in finally and on which they had acted.

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On 6.1.1994 the applicant filed rejoinder. The submission of Shri Lambat for the respondents is that since there was a vigilance case against the applicant the payment could not be finalised and he also showed me a copy of the letter dated 4.12.1993 which is sent to the Chief Personnel Officer (Gazetted) South Eastern Railway, Calcutta asking for to furnish the relevant particulars. Shri Lambat states that since the papers were being sent from one department to other for getting particulars, It is curious that it should take five months time for the respondents to collect the information though we had granted two adjournments for the purpose. It is apparent that the vigilance case against the applicant was before his compulsory retirement. The vigilance case cannot therefore a reason for belated payment of retiral benefits. The applicant is, therefore, entitled to interest for the belated payment and the respondents are therefore directed to pay interest at the rate of 12% p.a. on the retiral benefits from 18.3.1991 until the date of actual payment. This shall be done within two months from the date of receipt of a copy of this order.


(M.S. DESHPANDE)
VICE CHAIRMAN

mrj.