

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A. NO: 648/92

199

~~T.A. NO:~~

DATE OF DECISION 29.7.92

Shri Ashok Kumar Sood

Petitioner

Shri S.P. Saxena.

Advocate for the Petitioners

Versus

Union of India and others.

Respondent

Shri R.K. Shetty.


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 ? *Je*
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 ?

  
(M.Y. PRIOLKAR)  
MEMBER (A)

mbm\*

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 648/92

Shri Ashok Kumar Sood  
V/s.

... Applicant

The Union of India, through  
the Secretary, Department of  
Defence Production,  
Ministry of Defence, South Block,  
D.H.Q. P.O. New Delhi 110 011

The Chairman/Director General,  
Ordnance Factory Board  
10 A, Auckland Road,  
Calcutta- 700 001.

The Controller of Accounts (Fys)  
Office of Controller of Accounts (FYs)  
10 A, Auckland Road,  
Calcutta.

The General Manager  
High Explosive Factory,  
Kirkee, Pune.

... Respondents.

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

Appearance:

Shri S.P. Saxena, counsel  
for the applicant.

Shri R.K. Shetty, counsel  
for the respondents.

ORAL JUDGEMENT

Dated: 29.7.92

¶ Per Shri M.Y.Priolkar, Member (A) ¶

The applicant while working as Technical Asstt. Foreman (Chemist) at High Explosive Factory at Pune under the Ministry of Defence was released on 31.5.1982 for taking up a foreign assignment in Zambia. He reported back after completion of this assignment on 31.5.1985 and, subsequently opted for voluntary retirement from 7.4.1991. He has filed this application on 29.7.1992 praying for a direction to the respondents to refund an amount of Rs.2809/- which, according to him has been illegally recovered from him towards interest on delayed payment of his leave salary and pension contribution for the period of his foreign assignment.

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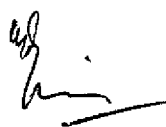
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2. It is not in dispute that under the rules on the subject, it is the responsibility and liability of the Government servant himself to maintain the continuity of service by payment of leave salary and pension contribution for reckoning the period of foreign service as qualifying service for leave, pension, gratuity etc. The grievance of the applicant is that although he had requested the respondents by his letter dated 7.3.1987 to settle the amount of leave salary and pension contribution, and followed it up by reminders, it was only on 9.6.1988 that he was informed that a total sum of Rs. 16,267.00 inclusive of interest of Rs. 2809/- was required to be paid by the applicant to the department. The applicant paid the principal amount in cash on 29.12.1988 and asked for interest to be waived. This was, however, not agreed to and the interest amount of Rs. 2809/- was recovered from his salary bills in four equated instalments starting from July 1990.

3. Admittedly, the applicant failed to make arrangements for prompt remittance of his pension and leave salary contributions due from him for the period of foreign service, as required under the rules. Even after he returned from the foreign assignment on 31.5.1985, he wrote to the respondents only on 7.3.1987 to inform him about the payment to be made by him. The amount was intimated to him on 9.6.1988 and he paid the principal amount (excluding the interest) on 29.12.1988. It is seen from the calculations given at page 27 and 28 of the application that interest has been charged only from the date of expiry of the lien period on 31.5.85 i.e. from 1.6.1985 to 31.3.1988 (although the payment was made by the applicant in December 1988 after he was informed of the exact amount payable on 9.6.1988) or a total of 1036 days at the

rate of 2 paise per day per Rs. 100/-, which works out to 7.3% per annum. This can hardly be called a penal rate of interest.

4. Since the delay in payment was thus attributable at least in part to the applicant himself and he would have earned interest on this amount by not making the payment on the due date, it cannot be said that there is hardship for the applicant by enforcing the recovery of interest at 7.3% per annum. The decision of the respondents not to waive the recovery of interest in relaxation of the rules cannot, therefore, be faulted. I do not, therefore, consider this to be a fit case for interference by the Tribunal. The application is dismissed summarily at the admission stage itself, with no order as to costs.

  
(M.Y. PRIOLKAR)  
MEMBER (A)