

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 858/92

~~Transfer Application No:~~

DATE OF DECISION: 23.6.94

P.C. Joshi Petitioner

Mr. S.P. Saxena Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Mr. Ravi Shetty for Advocate for the Respondent(s)
Mr. R.K. Shetty

CORAM :

The Hon'ble Shri Justice M.S. Deshpande, Vice Chairman

The Hon'ble Shri

1. To be referred to the Reporter or not ? NO
2. Whether it needs to be circulated to other Benches of the Tribunal ? NO


V.C.

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

O.A. NO. 858/92

P.C. Joshi

..Applicant

V/s

Union of India & Ors.

..Respondents

Coram: Hon.Shri Justice M.S. Deshpande, Vice Chairman

Appearance:

Mr. S P Saxena
Counsel for applicant

Mr. Ravi Shetti for Mr. R K Shetty
Counsel for the respondents

ORAL JUDGMENT:
(Per: M.S.Deshpande, Vice Chairman)


DATED: 23.6.94

The only question which arises for consideration is whether the applicant is entitled to interest on the amounts of retiral benefits which remained unpaid. The respondents have filed a statement showing the payments and recoveries made in connection with this application. Item A shows that total amount of Rs.27,730 was the claim in the Original Application and out of this deductions of Rs. 5,650 were to be made for the excess credits which came to be adjusted as per details given in item B. It is stated that the advance amount which remained to be paid was only Rs. 1800 and not Rs.2000. In the joint statement which was prepared on 23.3.94 after joint inspection was taken it was found that there was a refund of Rs.2000 and a balance of Rs.1800 only remained. So in respect of items 'B' only Rs. 1800 will have to be taken as advance against (d) and that would reduce the excess credits to Rs. 5,450. According to the respondents out of the amount which became payable upon the applicant's retirement on 31.7.91 Rs. 12,421/- came to be paid in June 1992. This amount was paid with interest @ 12% per annum. The balance

which remained was Rs. 12,664/- which came to be paid in May 1993. Shri Shetty for the respondents states that he is not sure whether interest @ 12% per annum was paid on this amount when payment was made upto May 1993. But it is obvious that the applicant would be entitled to be paid interest @ 12% per annum on this amount and if the interest has not been paid on this amount it shall have to be paid by the respondents.

2. According to the applicant the contributions made after the year April 1990 which appear at Annexure A-4 certain credits were made and those amounting to Rs. 12,950/- which appear at Annexure A-5 have not been taken ^{into} account by the respondents. This amount ~~would be in addition to Rs. 27,730.~~ The question of contributions made after the balance statement for the year 1990-91 would not be in addition to the amount of Rs. 27,730 because clause (b) of item (A) shows that the amount of Rs. 6,000 for the contributions made later has been taken into consideration. The total entitlement is, therefore, worked out to Rs. 27,730/- less the deductions of Rs. 5,450/- which shall have to be made. Clause (e) of item (B) relates to interest of Rs. 2,370 and exception is being taken to this amount because according to the applicant interest could not have been calculated on the amount of Rs. 2,000/- because that figure would now reduce to Rs. 1800/- which remained in arrears.

3. In the result I direct that the respondents shall pay to the applicant interest on the amount of Rs. 12,664/- @ 12% per annum, if it had not been paid already to the applicant while making the payment in May 1993, and shall also pay interest on Rs. 12,421/- if it had not been paid when that payment was made to the applicant in June 1992. Payment of interest shall be made by the respondents within two months from the date of receipt of this order. No order as to costs.


(M.S. Deshpande)
Vice Chairman