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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 474 of 93

Transfer Application No:

DATE OF DECISION: 21/10/1994

Shri. J.D. Vyas Petitioner

Shri. S.P. Kulkarni Advocate for the Petitioner

Versus

Union of India & Ors. Respondent

Shri . R.C. Kotiankar Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri M.R. Kolharkar, Member (A)

The Hon'ble Shri

1. To be referred to the Reporter or not ? X

2. Whether it needs to be circulated to other Benches of X
the Tribunal ?

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

J*

(13)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. 474/94

Shri. J.D. Vyas ... Applicant

Vs.

1. Union of India
through Chief General Manager,
Dept., of Telecommunication
Maharashtra Circle, Bombay - 1.

2. Asst. General Manager (South)
Mahanagar Telephone Nigam Ltd.
Telephone Bhavan, Bombay.

3. General Manager (South)
Mahanagar Telephone Nigam Ltd.,
Telephone Bhavan, Bombay. ... Respondents

CORAM : Shri. M.R. Kolhatkar, Member (A)

APPEARANCES

1. Shri. S.P. Kulkarni, Counsel
for applicant
2. Shri. R.C. Kotiankar, Counsel
for Respondents.

ORAL JUDGMENT

DATED 21/10/1994

(Per. Hon'ble Shri. M.R. Kolhatkar, Member (A))

In this O.A, last order was passed on 2.9.1994,
wherein we have noted that this O.A arises out of the
Tribunal's order dated 6.4.1992 and that the following
amounts remained to be paid to the applicant :

1. Final pension
2. C.D.S amount
3. Leave encashment
4. Interest on delayed payment of GPF and DCRG

2. It appears that all payments have been ~~made~~ except
C.D.S amount. For payment of this, action is under process
as per reply of respondents dated 11th October, 1994.

wherein they have stated that the concerned Accounts Officer has been directed to do the needful by their letter dated 3.8.94. The applicant does not also wish to make a grievance on this count. What he is praying for today before the disposal of the case, is interest on delayed payments on difference in the arrears of pension, namely provisional pension of Rs.250 and the final pension of Rs.912 and gratuity. There is no dispute that these amounts, namely difference in DCRG amounting to Rs. 22,110 and difference in pension amounting to Rs.55,876 have been paid to him on 27.1.94 and 7.2.94 respectively. The claim is for interest on these amounts counting six months from the date of receipt of Tribunal's Order. This claim is resisted by the respondents on the ground that no such prayer appears in the Original Application. Secondly, the claims pertained to earlier periods and records relating to these periods spread all over India, were required to be located and therefore whatever time was taken was unavoidable. Thirdly, it is argued that Tribunal in its Original order had not directed payment of interest.

3. The normal date of retirement of the applicant was 30/06/1989 and the date of decision of Tribunal was 6/4/92. Since pension and gratuity are considered to be the property of the Government employee, the respondents were bound to make payments to the applicant after receiving the order of the Tribunal dated 6.4.92. In the O.A the applicant specifically prayed for damages and compensation and in the amended O.A the applicant has specifically prayed for interest on delayed payment. We are, therefore, not able to accept the arguments of the respondents against payment of interest. Since no other claims subsist and since it is accepted that C.D.S amount of about Rs.1,000/- is to be paid to the applicant within a reasonable time, we dispose of this O.A by passing the following Order :

(15)

O R D E R

The respondents are directed to make payment of interest on delayed payment of gratuity and arrears of pension at the rate of interest indicated in Rule 68 of the C.C.S (Pension) Rules till the actual date of payment. For this purpose three months will be calculated from the date of receipt of Tribunal's order. There is no order as to costs.

M.R. Kolhatkar

(M.R. KOLHATKAR)
MEMBER (A)

J*