

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 544/94
Transfer Application No.

Date of Decision : 29/06/1995

N. D. Rajput

Petitioner

Shri.S.P.Kulkarni

Advocate for the
Petitioners

Versus

Union of India & Ors.

Respondents

Shri.S.C.Dhawan

Advocate for the
respondents

C O R A M :

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

The Hon'ble Shri

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to
other Benches of the Tribunal? *no*

M.S.D
(M.S.DESHPANDE)
V.C

J*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. 544/94

N. D. Rajput

.. Applicant

Vs.

Union of India & Ors.

.. Respondents

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

Appearances

1. Shri.S.P.Kulkarni
Advocate
for the applicant
2. Shri.S.C. Dhawan
Advocate
for the respondents

ORAL JUDGMENT

DATED : 29/06/1995

(Per. Justice M.S.Deshpande, Vice Chairman)

By this application, the applicant seeks a declaration that withholding of DCRG Rs.33,390 and leave encashment amount of Rs.31,039 after retirement on 31.5.1993 as illegal and arbitrary and a direction to release D.C.R.G and leave encashment amount within 15 days from the date of judgment and further direction to pay interest at 20% (i.e. market rate) on delayed payment from 31.5.93 till the date of payment.

2. Respondents' contention is that there was a shortage of season tickets at the place where the applicant was working and since the situation was to be ascertained, it took time to sanction payment of amounts to the applicant. Shri.Dhawan, learned counsel for the respondents stated that ultimately it was held that the applicant should not be penalised and his retirement benefits should be paid to him. It is not the case of the respondents that the applicant was personally liable for the loss or missing of the season tickets at this stage

though that was the case on which investigation was being made. The position is that no departmental enquiry was held against the applicant nor was he penalised for any alleged lapse. The position would therefore be that the applicant was without blemish and would be entitled to all his retirement benefits and that for the delay in payment, the applicant is entitled to interest in accordance with rules.

3. The applicant states that he has received an amount of Rs.7,929/- in June 1994 and all the dues have been paid to him in May 1995. Though he would not press for interest at market rate, interest permissible under the Rules should be paid to the applicant.

4. In the result, I direct that the respondents should pay to the applicant interest on the amounts payable at the rate of 7% after the expiry of three months from the date of retirement i.e. from 31.5.93 1.5.94 for a period of 9 months and interest at the rate of 12% thereafter until actual payment was made to the applicant. Interest shall be paid as directed within 2 months from the date of receipt of copy of this order. No order as to costs.

(M.S.DESHPANDE)
VICE CHAIRMAN

J*