

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 814/94
Transfer Application No.

Date of Decision : 8/8/96

Gajanan Dinakar Gokhale.

Petitioner

Shri S.P.Kulkarni.

Advocate for the
Petitioners

Versus

Union of India & Ors.

Respondents

Shri P.M.Pradhan.

Advocate for the
respondents

C O R A M :

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

The Hon'ble Shri

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

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

M.R. Kolhatkar
(M.R. KOLHATKAR)
MEMBER(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, BOMBAY.

Original Application No. 814/94.

Pronounced this the 8th day of March 1996.

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

Gajanan Dinakar Gokhale. ... Applicant.
(By Advocate Shri S.P.Kulkarni)

V/s.

Union of India & Ors. ... Respondents.
(By Shri P.M.Pradhan, counsel)

O R D E R

(Per Shri M.R.Kolhatkar, Member(A))

In this O.A. the relief claimed by the applicant is payment of interest at 20% p.a. on delayed payment of various retiral benefits. It is not in dispute that the applicant retired on superannuation on 31.7.1993. There was a delay in payment of arrears and retiral benefits as below :

| "(1) <u>Gratuity</u> | <u>Due</u> | <u>Paid</u> | <u>Delay in days.</u> |
|----------------------|------------|--------------------------|-----------------------|
| (a) Rs.31,463/- | 1.8.93 | 18.8.93 (Actual Paid) | 17 |
| (b) Rs. 9,200/- | 1.8.93 | 8.2.94 | 191 |
| (c) Rs. 1,000/- | 1.8.93 | 31.1.94 | 183 |

(2) Leave encashment amount of Rs.39,792/- was paid on 1.2.1994^{i.e.} after a delay of 184 days.

(3) Payment of C.G.E.I.S. amount of Rs.4,410/- was paid on 24.3.1994 i.e. after a delay of 240 days."

2. The applicant impugns the letter dt.25.4.1994 at Annexure A-2 which informed him that no interest is due on the delayed payment of pensionary benefits.

...2.

The applicant relies on the case of R.Kapur V/s. Director of Inspection (P&P) Income Tax (1994 (28) ATC 516). In regard to delayed payment of leave encashment he relies on Pritam Singh V/s. Union of India, (1991(1) A.T.J. 600).

3. The respondents have opposed the Original Application. According to them the applicant was given officiating promotion in Gazetted rank on 4.2.1993 and the pension papers of the applicant were processed thereafter. The Service Book of the applicant was available only on 17.6.1993 and there was a delay in the payment of gratuity because an old transfer T.A. Bill was required to be adjusted. However, the respondents took timely action to release provisional pension and gratuity and released the remaining retiral benefits in favour of the applicant as soon as the formalities in this regard were completed. The sanction of leave encashment received to his credit was required to be ascertained and after this was done orders sanctioning leave encashment were issued on 6.10.1994. Regarding C.G.E.I.S. amount the application from the applicant was received only in October, 1993 i.e. 2 months after the retirement, thereafter, the matter was processed and payment was made.

4. Apart from the case law cited by the applicant, the counsel for the applicant contends that Rules 56 and 63 of the C.C.S.(Pension) Rules and Rule 39 (2) (a) & (b) of the C.C.S. (Leave) Rules, 1972 have

...3.

been violated and he is entitled to relief.

5. It is well settled that various pensionary benefits are in the nature of the property of the Government employee and any delay beyond three months is required to be investigated. In my view, the delay in payment of provisional gratuity which amounted to 17 days cannot be said to be such delay as entitles ~~the~~ applicant to any interest. The delay in the release of balance amount of gratuity viz. 9,200/- and 1,000/- exceeds 90 days and the applicant would be entitled to payment of interest at the rate of 12% in respect of delay over and above 90 days. This would also apply to the delay in payment of amounts of leave encashment and the C.G.E.I.S. Considering the circumstances, as pleaded by the respondents, I do not have any ground to hold that the delay was culpable and therefore, I am not inclined to grant interest at the rate of 20% as claimed by the applicant. The O.A. is therefore disposed of in the above terms with no orders as to costs.

M.R. Kolhatkar

(M.R. KOLHATKAR)
MEMBER (A)

B.