

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
(CAMP: NAGPUR)

Original Application No: 907/94.
~~XXXXXXXXXXXXXX~~

DATE OF DECISION: DECEMBER 16, 1994.

Shri Pralhad Namdeo Ingle, Petitioner

Applicant in person. Advocate for the Petitioners

Versus

Union Of India & Others, Respondents

None. Advocate for the Respondent(s)

CORAM :

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

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1. To be referred to the Reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ?

M. R. Kolhatkar
(M. R. KOLHATKAR)

MEMBER (A).

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

NAGPUR CIRCUIT BENCH, NAGPUR.

O.A. NO.: 907/94.

Shri Pralhad Namdeo Ingle ... Applicant
Versus
Union Of India & Others ... Respondents.

CORAM :

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

APPEARANCE :

Applicant in person.

ORAL JUDGEMENT : DATED : 16.12.1994.

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

1. Applicant in person. None for the Respondents, although a notice was issued on 26.08.1994.

2. The main contention of the applicant is that, he retired from service on 30.11.1992 and he was entitled to pensionary benefits immediately. He, however, received the pension on 30.07.1993 and the gratuity and commutation value of pension on 05.03.1993. He, therefore, claims interest on both the amounts @ 18% per annum, with effect from 01.12.1992. Although, none has appeared for the Respondents, it is noticed that the applicant has already written to the Respondents vide letter dated 04.05.1993, Reminder dated 20.07.1993 and Lawyer's notice undated.

3. It is now well settled that the pension and gratuity are the property of the Government employee, to which he is entitled according to the relevant rules

and if there is an unexplained delay, he is entitled to interest thereon. While, we are not inclined to concede interest @ 18%, which is allowable, when the delay is ~~culpable~~ ^{culpable} ~~reasonable~~, ^{reasonable} which we do not consider to be so, we are ~~entitled~~ ^{inclined} to grant interest on the payment due to the applicant, beyond the grace period of three months. As the gratuity and commutation value of pension were paid ~~only~~ ^{immediately} after the completion of grace period, ~~any~~ ^{no} interest thereon, is allowed. However, the Respondents are directed to pay interest on delayed pension payment with effect from 01.03.1993 till the date of payment. Payment shall be made to the applicant within a period of two months from the date of communication of this order. *No order as to cost*

M. R. Kolhatkar

(M. R. KOLHATKAR)

MEMBER (A).

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