

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 251/1997.

Date of Decision: 28.11.1997

Shri P. K. Sarvade,

Petitioner/s

Shri B. Dattamoorthy,

Advocate for the
Petitioner/s

V/s.

Union Of India & Others,

Respondent/s

Shri S. S. Karkera for
Shri P. M. Pradhan,

Advocate for the
Respondent/s

CORAM:

Hon'ble Shri B. S. Hegde, Member (J).

~~Non XX XX XX XX~~

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

B. S. Hegde
(B. S. HEGDE)
MEMBER (J)

OS*

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 251/97.

Dated this Friday, the 28th day of November, 1997.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

P. K. Sarvade,
Retired Sr. Suptdt. of
Post Offices,
Pune City East Division,
PUNE - 411 037.

... Applicant

(By Advocate Shri B. Dattamoorthy)

VERSUS

1. Post Master General,
Pune Region,
Pune - 411 001.
2. Chief Postmaster General,
Maharashtra Circle,
Mumbai - 400 001.
3. Union Of India represented by
The Director General,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi - 110 001.

... Respondents.

(By Advocate Shri S.S. Karkera
for Shri P.M. Pradhan).

: ORAL ORDER :

¶ PER.: SHRI B. S. HEGDE, MEMBER (J) ¶

Heard Shri B. Dattamoorthy for the applicant
and Shri S. S. Karkera for the respondents.

2. During the course of hearing, the Learned Counsel for the applicant draws my attention to the earlier order passed by the Tribunal on 17.02.1995 in O.A. No. 189/95 wherein, the Tribunal after hearing both the parties, directed the respondents to pay interest @ 12% within a period of three months from the date of receipt of the order. It is further submitted

B/S

that the respondents have paid a sum of Rs. 2,382/- on 23.08.1995 to the applicant on account of interest on delayed payment of leave encashment and also an amount of Rs. 451/- towards interest on delayed payment of Central Government Employees Insurance Scheme. Though the period of three months would expire sometimes in May 1995, the payment is made in the month of August, 1995.

3. The Learned Counsel for the applicant submits that the respondents have deducted the first six months from the date of voluntary retirement and the interest paid is thereafter, which is not permissible under the rules. The interest on the delayed payment of gratuity is not payable on certain conditions, is not applicable in the present case.

4. The Learned Counsel for the applicant draws my attention to the circular of the department vide dated 09.04.1990 wherein it is stated that the leave encashment should be disbursed on the first day following the date of retirement by the concerned disbursing officers. However, the Learned Counsel for the respondents submits that since it is a voluntary retirement, since the said order is accepted by the competent authority, they cannot give any interest.

5. Heard both the parties. Any Government Servant may by giving notice of not less than three months in writing to the appropriate authority retire

from service. Even in the absence of any order passed by the respondents, it is deemed that the Government employee is voluntarily retired. That being the case, for rest of the three months, the applicant is entitled for interest @ 12% as stated earlier. Therefore, the respondents are directed to pay interest @ 12% within a period of two months from the date of receipt of this order.

6. The O.A. is disposed of with the above directions. No costs.


(B. S. HEGDE)
MEMBER (J).

OS*