

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:553/98

DATE OF DECISION: 16th August 2000

Shri P. Srijanth Applicant.

Shri S.P.Saxeba Advocate for
Applicant.

Versus

Union of India and others Respondents.

Shri R.K.Shetty Advocate for
Respondents

CORAM

Hon'ble Shri S.L.JAIN, Member (J)

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

(2) Whether it needs to be circulated to other Benches of the Tribunal? No.

(3) Library. yes

S.L.Jain
(S.L.JAIN)
Member (J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 553/98

the 16th day of AUGUST 2000

CORAM: Hon'ble Shri S.L.Jain, Member(J)

P. Srikanth
Residing at
76-B/2B, Shantishila
Co.op. Housing Society)
Off Law College Road,
Erandwana, Pune.

By Advocate Shri S.P.Saxena.

V/s

1. The Union of India through
The Secretary,
Ministry of Defence
New Delhi.
 2. The Engineer-in-Chief
Kashmir House
Army Headquarters
New Delhi.
 3. The Chief Engineer,
Calcutta Zone,
Ballygung Maidan Camp,
Gurusadady Road,
Calcutta.
 4. Joint Controller
J.C.D.A. (Funds)
Meerut Cantt.
 5. The Officer-in-Charge
Central Records Office (Officers)
C/o Chief Engineer,
Delhi Zone, Delhi Cantt.
 6. Joint Controller of
Defence Accounts,
Patna.
 7. Controller of Defence Accounts
(Pension), Allahabad (U.P.)
- ...Respondents.

By Advocate Shri R.K. Shetty.

ORDER
(Per Shri S.L.Jain, Member(J))

This is an application under Section 19 of the
Administrative Tribunals Act 1985 seeking a direction to the
respondents to pay balance of G.P.F. Rs. 2459/-, to refix the

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:2:

basic pay of the applicant in the revised Vth Pay Commission scale with effect from 1.1.1996 and to recalculate all the pensionary/ retirement benefits and thereafter pay the difference of the same, interest at 18% per annum on the balance of G.P.F Rs.2459 with effect from 1.6.1997 to April 1998, on leave encashment amount of Rs. 104132/- with effect from 1.6.1997 to 31.12.1997 and arrears arising out of the revised pay fixation and revised pensionary benefits.

2. During the pendency of the OA the respondents have paid arrears of revised pay on account of Vth Pay Commission, difference of leave salary encashment as under:

- | | | |
|---|------------|-----------|
| 1. Final pay bill | Rs.14169/- | 19.5.1998 |
| 2. Salary bill on account of difference of leave salary due to payment. | Rs.41152/- | 6.2.1999 |

On Perusal of the details of the payment made by the respondents it is noticed that:

- | | | |
|---|-------------|------------|
| 1. Salary bill on account of leave salary was paid on | Rs.104432/- | 7.1.1998 |
| 2. Final settlement of G.P.F. Account. | Rs. 91890/- | 24.4.1998 |
| 3. Salary bill on account of CGIS | Rs. 32584/- | 28.10.1997 |

3. The applicant had retired on 31.5.1997. It is true that recommendations of Vth Pay Commission came and Government of India, Ministry of Defence issued O.M. on 9.10.1997 which was received by the office of the respondents on October 1997, On the basis of the same the learned counsel for the respondents argued that they wanted to pay the applicant all the amounts due to him in lum sum and not in piece-meal, hence there is no delay. Apparently the contention appears to be a explanation for delay in payment but as the recommendation were not accepted till 9.10.1997, hence to sit over the matter in the hope that

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recommendations are likely to be accepted cannot be justified. It is suffice to state that the applicant was entitled to his dues as per the IVth Pay Commission by 31.8.1997.

4. The difference of the amount for which the applicant became entitled in view of Vth Pay Commission recommendation can be a matter for which the respondents are entitled a further period of payment of three months from 1.11.1997 to 31.1.1998. Difference of leave encashment was paid to the applicant on 6.2.1999, Final pay bill was paid on 19.5.1998 for which no reasonable explanation which is acceptable to the Bench is available on record.

5. Error in respect of G.P.F. Account can be a ground to withheld the amount to the said extent but ^{10%} withheld the amount wholly cannot be justified by any cannons of prudence.

6. In the result OA is allowed and the respondents are ordered:-

(a) To pay interest @ 12 % per annum (which is the maximum bank rate during the year 1998-99)

(i) On the amount which was payable in view of IVth pay commission recommendation ^{and G.P.F amount} with effect from 31.8.1997 till actual payment,

(ii) On the difference of the amount/amount payable in view of Vth Pay Commission with effect from 1.2.1998 till the actual payment is made.

and to pay costs of the petition amounting to Rs. 650/- (Rs. 500/- Counsel's fee + Rs. 150/- as other expenses.) within a period of three months from the date of receipt of the copy of the order.

S.L. Jain
(S.L.JAIN)
Member (J)