

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 523/1998

DATE OF DECISION: 19/04/2001

Shri R.K.Gupta

Applicant

Shri P.A.Prabhakaran

-----Advocate for
Applicant.

Versus

Union of India & 3 Ors.

-----Respondents.

Shri M.I.Sethna

-----Advocate for
Respondents.

Coram:

Hon'ble Smt. Shanta Shastri, Member (A).

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

Shanta Shastri
(SHANTA SHASTRY)
MEMBER(A)

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:523/1998
DATED THE 19th DAY OF APRIL 2000

CORAM:HON'BLE SMT.SHANTA SHASTRY, MEMBER(A)

R.K.Gupta,
resident of
13, Purbhani, Swastik Park,
Sion Trombay Road,
Chembur, Mumbai 400 071.

... Applicant

By Advocate Shri P.A.Prabhakaran

V/s.

1. Secretary, Department of Revenue,
Ministry of Finance, North Block,
New Delhi - 110 001.
2. The Principal Chief Controller of
Accounts, Central Board of Direct
Taxes, 9th Floor, Loknayak Bhavan,
Khan Market, New Delhi - 110 003.
3. The Commissioner of Income Tax,
Aayakar Bhavan, Majura Gate,
Surat - 38.
4. Shri K.D.Gangwani (as he then was
The Senior Accounts Officer,
Zonal Accounts Office CBDT),
(since retired) through his
successor in office at "B" Wing,
Vastupura Chambers, Ashram Road,
Ahmedabad - 380 014.

... Respondents.

By Advocate Shri M.I.Sethna

(O R D E R)

Per Smt.Shanta Shastri, Member(A)

This is a case of delayed payments of retiral benefits to
the applicant who took voluntary retirement on 31/12/94. The
applicant has made claims in respect of eight items at page 95

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of the OA, Annexure-I. These are the GPF Account deductions credited to PF Account Nos, Missing credits, interest on contributions to GPF, Amount not shown in GPF A/c. No.BOM/II/522, interest on GPF, interest on late payment of gratuity, interest on commuted pension, leave encashment and CGEIS.

2. He has claimed a total of Rs.52,931/- as interest on these payments.

3. After his retirement on 31/12/94, the applicant submitted all his pension papers in January, 1995. The following payments were made to him.

Leave encashment	-	Rs.63,708/-
vide D/D drawn on SBI		
Chembur on 6/7/95		
DCRG	-	Rs.93,290/-
D/D drawn on SBI		
Valsad re-issued on		
22/11/95 received on		
27/12/95		
GPF - D/D drawn on	-	Rs.2,39,689/-
SBI, Mumbai received on		
1/3/96		
Commuted value of		
Pension paid on 9/1/96	-	Rs.1,01,677/-
CGEIS paid on 14/12/95.	-	Rs.1,229/-

4. According to the applicant the delay occurred due to errors like drawing D/D on a wrong bank, writing incorrect name, not sending the D/Ds to the bankers declared in the Pension papers, routing them through ACIT, Valsad. In the case of commutation of Pension and pension, protracted correspondence regarding details in service book and submission of copies of joint photographs led to delayed payments.

5. The respondents however deny that there was any delay on their part in paying the pensionary benefits to the applicant.

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6. The respondents have submitted in their additional affidavit filed on 4/5/2000 that the applicant's GPF account has been recast ab initio and it is seen that payments on account of interest for the amount of Rs.6,496/- is due to the applicant and the same is being authorised to be drawn. It has further been stated that the applicant made his application for final GPF amount only on 6/10/95 which too was not in complete form. After the application was completed on 26/12/95, the case was finalised within a week i.e. on 3/1/96 and the final payment was issued on that day. They have taken into account all the missing credits into the GPF and nothing is due except for the amount of Rs.6,496/- as already stated.

7. In regard to the DCRG, the applicant had filed OA-1196/96. As a result of the orders passed on 31/3/97 in the matter, the interest was paid on the delayed payments of Gratuity on 21/1/98. Again in the matter of commuted pension, the respondents have attributed the delay due to lack of information such as entries in regard to continuation of adhoc promotion, three copies of joint photographs, etc and therefore the respondents are not agreeable to pay any interest on the same. The respondents have however averred that since the applicant had retired from Valsad office, the Demand Drafts were purchased payable at Valsad as no specific instructions were available on the body of the bill by the DDO for purchasing of the Demand Drafts payable at Bombay.

8. I have heard the learned counsel for the applicant as well as respondents and have given careful consideration to the pleadings. In my view though the applicant has claimed interest

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on delayed payment of GPF, the respondents have satisfactorily explained how the GPF claimed was recast and how the interest has been worked out. I am satisfied with the same. What remains therefore is for the respondents to release the interest on the amount of Rs.6,496/- forthwith if not already released.

9. In regard to the DCRG, the respondents have already paid the interest of Rs.6,740/- as per the orders of the Tribunal dated 31/3/97 in OA - 1196/96. The statement given of the calculation of interest is very clear and therefore nothing really needs to be paid in addition to the amount already paid. The applicant has made an issue of the Demand Draft having been sent to SBI, Valsad instead of SBI, Chembur in Mumbai and has claimed interest on that account. As already pointed out by the respondents, there is no deliberate delay on their part in this matter. All the same it cannot be denied that the receipt was delayed due to DD being sent to Valsad. The applicant should get the interest at 12% for this delay.

10. Coming to the commutation of pension, I am not satisfied with the explanation given by the respondents for delaying the payment of commuted value of pension and pension. It was a minor technical reason of not getting the joint photographs. The applicant has shown letter from the respondents themselves confirming that the applicant had submitted joint photographs as required much earlier. I therefore do not accept the respondents stand that there is no delay. Therefore the applicant is entitled for interest on commuted value of pension as well ^{as} on ^{as} Pension from 1/4/95 till the date of receipt of the amount with 12% interest on the same ^{from 1/4} i.e. 9/1/96.

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10. In the matter of leave encashment and CGEIS, also there is a delay and therefore interest is payable from 1/4/95 till the date of actual receipt of the amount alongwith interest @ 12%.

11. In the facts and circumstances of the case, the respondents are directed to pay interest @ 12% as indicated in the paras ^{6 and 9} 8 to 10 above. This may be done within a period of two months from the date of receipt of copy of this order. The OA is thus partly allowed. I do not order any costs.

Shanta S
(SHANTA SHASTRY)
MEMBER(A)