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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.478/93

Date of Order: 6.9.1993

BETWEEN:

S.K.Sarma

.. Applicant.

A N D

1. Union of India represented by its Secretary to Government of India, Ministry of Health and Family Welfare, Govt. of India, New Delhi.
2. The Director General of Health Services, Nirman Bhavan, New Delhi.
3. The Director National Institute of Communicable diseases, 22nd Alipur Road, New Delhi.
4. The Director, National Malaria Eradication Programme, 22-Shambhav Marg, Delhi.
5. The Regional Director, Regional Health & Family Welfare, Govt. of India, Kendriya Sadan, Koti Clock Tower, Hyderabad. .. Respondents.

Counsel for the Applicant

.. Mr.V.VenkateswaraRao
Advocate

Counsel for the Respondents

.. Mr.N.R.Devraj
Sr. C.R.A.

CORAM:

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

(53)

Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.).

The applicant who was an employee in the Malaria Institute of India left the said organisation with due permission and joined Hindustan Machine Tools Limited on 17.8.1972. He claimed pro-rata pensionary benefits on the ground that he became due for confirmation in the Malaria Institute of India. As ~~he was~~ ^{his} requested for pro-rata pensionary benefits was not conceded he filed W.P.9685/81 before the High Court of Andhra Pradesh. The W.P. upon transfer to the Tribunal was heard and disposed of as T.A.81/87. The operative portion of the judgement reads as under:-

"In the circumstances we find that the applicant is entitled to the confirmation from 6.5.1972 on which date he was in service and on which date his junior was confirmed. The applicant is entitled to all consequential pensionary/terminal benefits as applicable to the persons seeking employment under public sector undertakings according to the extant orders. The application is allowed accordingly."

2. The respondents failed to comply with the above order promptly thereby compelling the applicant to approach the Tribunal in OA.478/93 praying for a direction to the respondents to settle the pro-rata pensionary benefits without further delay.

3. The respondents have ~~not~~ ^{now} stated that the pro-rata pensionary benefits of the applicant were finalised and a sum of Rs.43,597/- was paid to the applicant vide receipt dated 23.7.1993 rendered by the applicant himself.

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4. Learned counsel for the applicant has contended that in view of the delay ^{in &} _A the payment of pro-rata pensionary benefits to the applicant, he is entitled to interest on the delayed payment. In the present OA ^{there} was no prayer for payment of interest. Accordingly Miscellaneous Application is filed in which our attention has been drawn to Rule 68 of the CCS (Pension) Rules, 1972. Clause 2 of Rule 68 is to the effect that in every case of the delayed payment of gratuity, the Secretary of Administrative Ministry is the competent authority to sanction payment of interest.

5. Learned counsel for the respondents states that the applicant should have made a representation to the competent authority in the first instant ^{ce} requesting for payment of interest before approaching this Tribunal. It is seen that when the TA.81/87 was disposed of there was no consideration of this aspect of payment of interest in the judgement, that was so because the applicant's main grievance was with regard to his non-confirmation in the Malaria Institute of India which resulted in non grant of pro-rata pensionary benefits to him. Even in the present OA initially there was no request made for payment for interest on the delayed payment of pro-rata pensionary benefits. In these circumstances we are not inclined to give any direction to the respondents with regard to payment of interest. We leave it open to the applicant to approach the

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competent authority and pray for payment of interest in accordance with the extant rules. Such representation if made by the applicant shall be disposed of by the competent authority within three months from the date of receiving the same.

6. O.A. 478/93 and the MASR. 2768/1993 both are disposed of by this order. There shall be no order as to costs.

T. C. _____
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

(A. B. GORTHI)
Member (Admn.)

Dated: 6th September, 1993

(Dictated in Open Court)

STB/83
Dy. Registrar (Judl.)

sd

Copy to:-

1. Secretary to Government of India, Ministry of Health and Family Welfare, Govt. of India, Union of India, New Delhi.
2. The Director General of Health Services, Nirman Bhavan, New Delhi.
3. The Director National Institute of Communicable diseases, 22nd Alipur road, New Delhi.
4. The Director, National Malaria Eradication Programme, 22-Shamnath marg, Delhi.
5. The Regional Director, Regional Health & Family Welfare, Govt of India, Kendriya Sadan, Koti clock Tower, Hyderabad.
6. One copy to Sri. V. Venkateswara Rao, advocate, CAT, Hyd.
7. One copy to Sri. N. R. Devaraj, Sr. CGSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

Recd 3.1.93

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COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GOKTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. EIRUVENGADAM : M (A)

Dated: 6/9/ -1993

CRDER/JUDGMENT:

M.A/R.A/C.A.N.

O.A. No.

in
47893

T.A. No.

(W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No crder as to costs.

pvm

