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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 968/94.

Dt. of Decision : 21-08-96.

G.R.Murthy

.. Applicant.

Vs

1. The Secretary, Dept.of Mines,
Min. of Steel & Mines,
Govt. of India, Shastrig Bhavan,
New Delhi.
2. The Director General,
Geological Survey of India,
27-Jawaharlal Nehru Road,
Calcutta.
3. The Dy.Director General,
Geological Survey of India,
(Southern Region), Bandalaguda,
Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. A. Bhaskarachari

Counsel for the Respondents: Mr. N.R.Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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JUDGEMENT

Oral Order (As Per Hon'ble Shri R.Rangarajan, Member(Admn.))

None for the applicant. Heard Mr.N.R.Devaraj, learned counsel for the respondents. Even in the earlier occasion on 10-10-95 the learned counsel for the applicant was not present. In view of the above, the OA is disposed of on the basis of the available materials on record.

2. The applicant while working as Driller Group-B under R-3 was issued with a charge sheet memo dated 28-09-1988 relating to the charges of misappropriation and misconduct during the period 1981-82. Immediately after the issue of the charge sheet the applicant retired from service on 30-9-88.

3. An enquiry was held in the above said charge sheet and it is stated that the enquiry report was submitted on 10-05-91. Even though the enquiry report was submitted on 10-05-91 no final order was passed on the enquiry report by the competent authority. Hence, he filed OA.No.746/92 on the file of this Tribunal for passing early orders on enquiry report. That OA was disposed of on 4-9-92 directing R-2 to pass appropriate orders within two months. But it is stated that no action was taken to comply with the direction given in OA. 746/92. Hence, he filed C.P.No.41/93 in OA.746/92. The respondents also filed MA.No.490/93 in OA.746/92 for extention for implementing the order dated 4-9-92. Both the MA and CP was disposed of by order dated 26-7-93 directing the respondents to implement the direction in OA.746/92 by end of September 1993. Thus, the enquiry proceedings including awarding of punishment should be completed by end of September 1993 as per the directions of this Bench. The applicant thereafter was paid a sum of Rs.1,19,244/- on 21-2-94 as final settlement dues.

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4. This OA is filed praying for a direction to the respondents to pay interest at 21% p.a. on the ~~retirement~~ benefits of the applicant amounting to Rs. 1,19,244/- from the date of his retirement viz., 30-09-88 till the date of payment of the same viz., 21-2-94 forthwith.

5. In view of the direction given in the MA.490/93 in OA.No.746/92 it has to be held that the enquiry proceedings of the applicant including the awarding of the punishment had to be completed by end of September 1993. Only ~~after~~ the enquiry disciplinary proceedings had ended, the applicant is entitled for getting the regular pension and other pensionary benefits thereon. As per the order of this Bench, time was given to the respondents to complete the disciplinary proceedings by 30-09-93. Hence, the applicant is entitled for regular pension and other ~~pensionary benefits only from 1-10-93 if at all the applicant claims any interest on the delayed payment of the pensionary~~ benefits he is entitled for the same only from 1-10-93 and not earlier than that date due to the direction of this Tribunal in the said OA and MA.

6. It is categorically stated by the learned counsel for the respondents under instructions from his client (Mr.Rama Kant, Legal Assistant, working under R-3) that the applicant was paid full provisional pension from the date of his retirement viz., 1-10-88 to 21-2-94, when an amount of Rs.1,19,244/- was paid to him as pensionary benefits. Hence, the applicant is entitled for interest on pensionary benefits only on the amounts other than the commutation value, as he was paid full pension till the date of payment of commutation i.e., 21-2-94. The learned counsel for the respondents further submitted that the amount of Rs.1,19,244/- comprised of an amount of Rs.57,750/- as DCRG and Rs.61,494/- as Commutation of pension. Hence, the applicant is entitled for interest only on the amount of DCRG and not on the amount of commutation in view of the reasons stated above. Hence, he is entitled for interest of DCRG component of Rs.57,750/- only.

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7. The applicant should have been paid arrears of pensionary benefits on 1-10-93. Though it may take some time for the respondents to calculate and pay him that amount after 1-10-93, in view of the fact that he is a retired employee and also suffered cut in the pension, I feel the ends of justice will be met if he has been paid interest on the DCRG amount from 1-10-93 onwards, till it was paid on 21-2-94.

8. In view of the above, the following direction is given:-

The applicant is entitled for payment of interest at 12% p.a. on the DCRG component of his pensionary benefits amounting to Rs.57,750/- from 1-10-93 to 21-2-94. The above interest should be paid to him within two months from the date of receipt of a copy of this order.

9. The OA is ordered accordingly. No costs.



(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 21st August 1996.
(Dictated in Open Court)

Prs/br:
23/8/96
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O.R.No.968/94

Copy to:

1. The Secretary, Dept. of Mines,
Ministry of Steel and Mines,
Govt. of India, Sastry Bhavan,
New Delhi.
2. The Director General,
Geological Survey of India,
27-Jawaharlal Nehru Road,
Calcutta.
3. The Deputy Director General,
Geological Survey of India,
(Southern Region),
Bandlaguda, Hyderabad.
4. One copy to Mr.A.Bhaskarachary, Advocate,
CAT, Hyderabad.
5. One copy to Mr.N.R.Devraj, Sr.CGSC,
CAT, Hyderabad.
6. One copy to Library,CAT, Hyderabad.
7. One duplicate copy.

YLKR

9/9/96

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)

DATED: 21.8.96

ORDER JUDGEMENT
R.A/C.P./M.A.NO.

in
O.A.NO. 968/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare copy

