

19

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA.1073/99

Date of Order: 18-4-2000

Between:

R. Narasimha Rao. ...Applicant

A n d

1. Chief General Manager,  
A.P.Circle, Hyderabad.
2. The Telecom District Manager,  
Nizamabad. ...Respondents

Counsel for the Applicant - Mr.S.Ramakrishna Rao, Advocate

Counsel for the Respondents - Mr.V.Rajeshwar Rao, Addl.CGSC

CORAM:

THE HON'BLE MR.B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

...

Order

Heard Mr.S.Ramakrishna Rao learned counsel for the applicant and Mr.V.Rajeshwar Rao, learned standing counsel for the respondents.

2. The applicant herein retired as Observation Supervisor from service w.e.f. 30.6.96. At the time of his retirement certain Disciplinary Proceedings were pending, hence his retirement benefits were not settled. The said disciplinary proceedings ended in passing the final order imposing recovery of Rs.585/- vide his order No.TDM/NZB/D-1083/RMR/Disc./97-98/34, dt.7.10.97 (Annexure-3, page-13 to OA).

3. On 25.5.98 the applicant requested the respondents authorities to pay him interest on the delayed settlement of his retiral benefits.

4. The respondents by the impugned letter dt.16.6.98 (Annexure-1, page-7 to OA) informed the applicant that the reply given earlier vide office letters dt.21.2.98 and 16.3.98 hold good, rejecting his claim for interest.

*Sc*

..contd..2

5. Hence the applicant has filed this application to set aside the impugned order bearing No.E-60-12/RN-TS-NZB/97-98/48, dt.16.6.1998 of the 2nd respondent rejecting the claim of the applicant for interest on delayed payments of retiral benefits declaring the same as arbitrary, illegal, unwarranted, misconceived and in violation of articles 14 & 16 of the Constitution of India and ~~for~~ consequently direct<sup>t</sup> the respondents to grant the applicant ~~an~~ interest @ 18% p.a. on the delayed payments of retiral benefits in respect of arrears of pension,DCRG, commutation amount and all other benefits for a period ~~from~~ 1.7.1996 to 28.2.1998 which should have been settled on 1.7.1996.

6. The respondents have not filed a reply. However, the learned counsel for the respondents submitted that the retiral benefits have been paid to him as per the rules and the applicant is not entitled to interest as the disciplinary proceedings ended in recovery of certain dues to the government the question of payment of interest does not arise.

7. The learned counsel for the applicant brought to my notice certain observations made ~~in~~ in para 4 of the penalty order dt. 7.10.97 and submitted that the enquiry has been dropped.

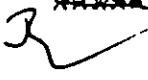
8. Para 4 of the order reads as follows:-

" The Inquiry Officer in his findings could not reveal either the case is proved or not proved, but left the inquiry prescribing so many tests to be taken.

In the circumstances explained above, I, V.Munindranath, Telecom District Manager/Nizamabad the disciplinary authority does not find any usefulness in going for such tests, hence as per Rule 9(2)(a) of Pension Rules,1972 the disciplinary authority is competent to drop the proceedings. "

Summing up the inquiry findings, it is opined that this case is a fit case for minor penalty and I,V.Munindranath, Telecom District Manager/Nizamabad decided to reduce this major penalty charge into a minor penalty under Rule-16 of CCS (CCA) Rules,1965 and the penunciarly loss caused to the department

..contd..3



24

depa department is to be recovered from the retirement benefits of Sri R. Narasimha Rao.

4 Calls to Hyderabad for 9 minutes i.e. = 540/-  
(3 units @ Rs.45/- each 135x4)

1 call to Adilabad for 3 units	= 45/-
-----	
Total	Rs. 585/-
-----	

Rs.585/- (Rupees Five Hundred and Eighty Five only)  
is to be recovered. "

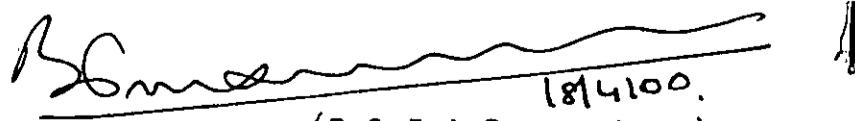
9. He attempted to question the same as the President is the only competent authority to pass the punishment order in respect of the retired employee. The applicant has not challenged the order dt.7.10.97 in this application. If he is aggrieved he may challenge the same in an appropriate proceedings.

10. As the disciplinary proceedings were pending at the time of his retirement the respondent authorities were expected to settle the retiral benefits within 3 months from the date of final order. The final order, as can be seen in this case, is dated 7.10.97. The respondents should have paid pension and pensionary benefits to the applicant within 3 months from that date i.e. before 7.10.98

11. Hence the following directions are issued:-

- (a) The respondent authorities must verify from the records the date of payment of retiral benefits to the applicant.
- (b) If it is made after 7.1.98, the respondents shall pay interest thereon at the rate admissible under the rules.
- (c) If the respondents have settled retiral benefits within 7.1.98 the respondents shall inform the applicant within 2 months from the date of receipt of a copy of this order.
- (d) These directions however shall not preclude the applicant from challenging the final order dt.7.10.97 passed by Telecom District Manager, Nizamabad, before the appropriate Appellate Authority, however, subject to period of limitation.

12. With the above directions the OA is disposed of. No order as to costs.

  
18/4/00.  
(B.S.Jai Parameshwar)  
Member(Judl.)

Dated: 18th April, 2000  
(Dictated in open Court)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

1ST AND 2ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

COPY TO:

1. HON. MR. JUSTICE D. H. NASIR
2. HON. MR. R. RANGARAJAN  
MEMBER (ADMN)
3. HON. MR. B. S. JAI PARAMESHWAR  
MEMBER (JUDL)
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

THE HON'BLE MR. JUSTICE D. H. NASIR  
VICE-CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN  
MEMBER (ADMN)

THE HON'BLE MR. B. S. JAI PARAMESHWAR  
MEMBER (JUDL)

DATE OF ORDER

18/4/2000

MA/PA/EP.NO.  
IN  
DA. NO. 1073/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

C.P. CLOSED

R.M. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

केंद्रीय प्रशासनिक विधिकाल  
Central Administrative Tribunal  
हैदराबाद आयोग  
HYDERABAD BENCH

18 MAY 2000

Despatch

RECORDED

मुख्य विभाग/CHIEF SECTION