

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 19/9/2000

QA 154/98

P.S. Shrivastava, retired Conservator of Forests (Rajasthan),
r/o 99, Shakti Nagar, Kota.

... Applicant

v/s.

1. Union of India through the Secretary, Ministry of Environment & Forests, CGO Complex, Lodhi Road, New Delhi.
2. State of Rajasthan through Chief Secretary, Govt. of Rajasthan, Secretariat, Jaipur.
3. Secretary to the Govt. of Rajasthan, Department of Personnel, Secretariat, Jaipur.

... Respondents

CORAM:

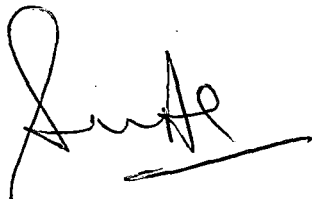
HON'BLE MR. S. K. AGARWAL, MEMBER (J)

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For the Applicant	... Mr. Dinesh Yadav
For Respondent No.1	... Mr. M. S. S. Hasan
For the Respondents No.2 & 3	... Mr. U. D. Sharma

O R D E R

PER HON'BLE MR. S. K. AGARWAL, JUDICIAL MEMBER



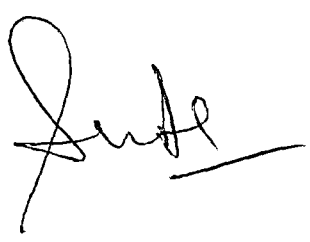
In this QA filed u/s 19 of the Administrative
Tribunals Act, the applicant makes a prayer to direct the

respondents to make payment of differential amount of revised pension, gratuity and other retiral benefits together with interest on the arrears @ 20% per annum from the due date.

2. In brief the facts of the case, as stated by the applicant, are that the applicant filed OA 21/96, which was decided vide order dated 20.11.96. The operative portion of the said ~~OA~~ order is reproduced hereunder for ready reference :-

"3. The reply filed on behalf of the respondents indicates that the applicant has been appointed to the post of Conservator of Forests in the ~~Super~~ Super Time Scale of Rs.1800-100-2000 in the Indian Forest Service w.e.f. 28.9.85 on notional basis since he had retired on superannuation on 31.7.88. The pay of the applicant has been fixed at Rs.1900/- p.m. from the said date on notional basis and thereafter in the revised pay scale of Rs.4500-150-5700 w.e.f. 1.1.86 at Rs.4500/- p.m. Pension has also been revised and refixed w.e.f. 1.8.88. Other retiral benefits have also been accorded to the applicant. So far as the case for payment of interest is concerned, the learned counsel for the applicant now intends to make a representation to the concerned authority and he, therefore, does not press his claim for payment of interest at this stage. If the applicant makes a representation within a month from today, the same may be decided by the concerned authority through a speaking order. The applicant shall be at liberty to file a fresh OA in regard to the claim for ~~inter~~ payment of interest in case he is aggrieved by the ~~OA~~ decision taken on his representation.

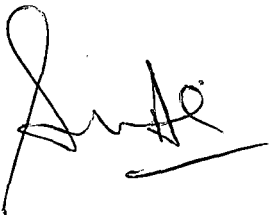
4. In view of the ~~ab~~ facts stated above, this OA does not survive for consideration and it is, therefore, dismissed with no order as to costs."



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It is stated that after the order dated 20.11.96 was issued, the applicant submitted a representation, which was not decided. Therefore, the applicant sent a reminder to the respondents but with no result. Thereafter, the applicant sent a notice for ~~initiating~~ initiation of contempt proceedings and in response to the said notice the applicant was promoted to ~~the~~ the post of Conservator of Forests w.e.f. 28.9.85 on notional basis and the applicant was given Super Time Scale of Indian Forest Service on notional basis thereafter. His pension and gratuity was also revised. It is stated that regarding the interest, respondent No.3 intimated to the applicant that there was no direction of the Tribunal for payment of interest. It is further stated that the action of the respondents not paying the arrears of gratuity and revised pension with interest is arbitrary, unjustified and in violation of Articles 14, 16 and 21 of the Constitution of India. Therefore, the applicant filed this OA for the relief as mentioned above.

3. Reply was filed. In the reply it is stated that disciplinary proceedings ~~are~~ initiated against the applicant vide charge-sheet dated 18.3.83 had been ~~xxx~~ brought to and end on 31.10.94. Thereafter, orders for revision of pension and gratuity ~~xxx~~ were issued and steps have been taken to make the payment of arrears of pension and

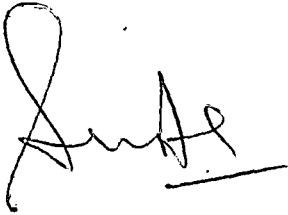


gratuity to the applicant as per the revised orders and payment was accordingly made on 29.1.96. Therefore, it is stated that there was no culpable delay on the part of the respondents and the applicant is not entitled to any interest on the payment of arrears. It is also stated that claim of interest made by the applicant is barred by limitation and the applicant has no case for interference by this Tribunal. Therefore, this OA is liable to be dismissed.

4. Rejoinder has also been filed by the applicant, which is on record.

5. Heard the learned counsel for the parties and also perused the whole record.

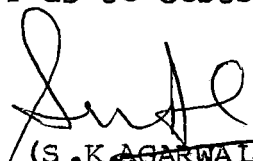
6. It is not disputed that on conclusion of departmental inquiry against the applicant on 31.10.94 the sealed cover was opened and vide order dated 20.10.95 the applicant was granted notional promotion w.e.f. 28.9.85 and his pay in the Super Time Scale was also refixed w.e.f. 28.9.85 on notional basis vide order dated 20.10.95. It is also not disputed that on the basis of the order dated 20.10.95 pay of the applicant was ~~also~~ refixed at Rs.4500/- p.m. on the date of his retirement on 31.7.88 and all the retiral benefits including pension and gratuity have been



recalculated and refixed. The learned counsel for the respondents has categorically stated that the arrears of pension and gratuity at revised rates have been paid to the applicant on 29.1.96. Therefore, he has ~~stated~~ stated that in view of the settled legal position, if retiral benefits are withheld as per rules and subsequently released on conclusion of the proceedings, no interest is payable.

7. I have also heard the learned counsel for the applicant and perused the whole record. Looking to the facts and circumstances of this case, as explained above, and the settled legal position, I am of the considered view that the applicant is not entitled to any interest on the arrears of gratuity and pension and other retiral benefits.

8. In view of the foregoing, this OA is liable to be dismissed as having no merits. I, therefore, dismiss this OA having no merits with no order as to costs.


(S.K. AGARWAL)
MEMBER (J)