

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 499/2002

DATE OF ORDER: 14.07.2003

Sushila Devi w/o Veer Singh by caste Chauhan aged about 60 years, resident of 21, Bhura Patel Nagar, Tagore Nagar, Shalimar Bag, Opp. Gupta STD, Ajmer Road, Jaipur.

... Applicant.

VERSUS

1. Union of India through the Secretary to the Government of India, Department of Telecom, Sanchar Bhawan, New Delhi.
2. Chief General Manager, Telecom Rajasthan Circle, Jaipur.
3. General Manager Telecom, District Pali, (Rajasthan).

... Respondents.

Mr. P.N. Jatti, Counsel for the applicant.

Mr. S.R. Samohta, Proxy counsel for
Mr. Tej Prakash Sharma, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice G.L. Gupta, Vice Chairman

ORDER

PER MR. JUSTICE G.L. GUPTA

1. The applicant claims interest @ 18% on the delayed payment of gratuity, provisional pension and savings fund.

2. Mr. Veer Singh, husband of the applicant, who was the employee in the Department of Telecom, submitted an application for voluntary retirement, which was accepted by the Department w.e.f. 1.2.1995 vide Annexure A/2. It is stated that the retiral benefits of late Mr. Veer Singh were paid to the applicant on 20.10.2001 vide order of 11.10.2001 when a sum of Rs. 1,62,850/- was remitted to her. Mr. Veer Singh had expired on 22.9.2000 whereupon family pension was allowed to the applicant.



3. In the counter, the respondents have stated that the Tribunal has no jurisdiction to entertain this matter as the order dated 11.10.2001 was of B.S.N.L. which is not one of the Departments of the Government. It is further stated that all payments have been made to the deceased employee on completion of legal formalities as required for sanctioning the payment of gratuity and there was no delay on the part of the respondents. It is also averred that the charge sheet was issued to the applicant under Rule 14 of CCS(CCA) Rules, 1965 and a departmental inquiry was held against him which was later dropped.

4. In rejoinder, the applicant disputes the correctness of the averments made in the reply regarding charge sheet to the deceased employee. It is averred that delay in making payment of retiral benefits was due to negligence on the part of the respondents.

5. I have heard the learned counsel for the parties and perused the documents placed on record.

6. It is admitted case of the parties that the husband of the applicant ^{had} retired on 1.2.1995 voluntarily. It is further not in dispute that the amount of gratuity, savings fund and arrears of pension were paid to the applicant on 11.10.2001 i.e. after the death of Mr. Veer Singh.

7. It is seen that Mr. Veer Singh had retired much before the B.S.N.L. was formed. Mr. Veer Singh was the employee of the respondents. The liability to pay gratuity, savings fund and provisional pension was of the respondents. In these circumstances, the O.A. has rightly been filed in this Court. There is no merit in the contention that this Court has no jurisdiction to hear this matter.



8. Rule 68 of CCS(Pension) Rules provides that where the payment of gratuity is delayed due to administrative lapse, interest shall be paid to the employee. In the O.M. dated 10.1.1983, it was provided that gratuity becomes payable due immediately after retirement. In the O.M. dated 28.7.1994, it was provided that if the payment of gratuity was delayed, interest @ 7% per annum beyond three months upto one year should be allowed and interest @ 10% beyond one year should be allowed.

8.1 It is provided in the O.M. dated 22.1.1991 that where the pension sanctioning authority does not get sufficient time for processing pension papers such as in the case of voluntarily retirement after qualifying service, interest is payable beyond six months from the date of retirement.

9. In the instant case, as already stated, payment of gratuity was not made even within the period of six months from the date of retirement. The applicant is, therefore, clearly entitled to interest on the gratuity amount for delayed payment.

10. It was stated in the reply that departmental inquiry was pending against the deceased employee. The applicant has denied the correctness of this fact in the rejoinder. The respondents have not disclosed the fact of the departmental inquiry. Even it is not stated as to on which date, the charge-sheet was given to the deceased employee or on which date, the departmental proceedings were ordered to be dropped. In any case, there is not the case for the respondents that the deceased employee was punished in the departmental inquiry. If at all, departmental proceedings were held against the deceased employee, they were later dropped. The effect was that Veer Singh had been exonerated. The deceased employee was, therefore, entitled to interest on the delayed payment of gratuity.



11. No satisfactory cause has been shown by the respondents for not making payment of provisional pension from 1.11.1995 to 22.9.2000. No reason has been assigned for non payment to the savings fund also. The applicant is, therefore, entitled to interest on all these sums for causing delay in payment.

12. Consequently, the OA is allowed. The respondents are directed to make payment of interest @ 10% on the D.C.G.R. of Rs. 31,024/- from 1.11.1995 till the date of actual payment. The respondents are also directed to pay interest @ 10% on the Savings fund and on arrears of provisional pension from 1.11.1995 till the date of actual payment. The interest on provisional pension shall be calculated keeping in view the dates on which it was payable.

13. The applicant shall also get costs Rs. 1000/- from the respondents. The respondents are directed to make payment of the interest and costs within two months from the date of communication of this order.



(G.L. GUPTA)
VICE CHAIRMAN

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