

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH

CIRCUIT SITTING AT GWALIOR

OA No.468/04

Bilaspur this the 28<sup>th</sup> day of July, 2005.

CORAM

HON'BLE MR.M.P.SINGH, VICE CHAIRMAN  
HON'BLE MR.MADAN MOHAN, JUDICIAL MEMBER

Parmatma Sharan Shrivastava  
S/o Late Suraj Prasad Shrivastava  
Retired Sahayak Lekha Adhikari  
Office of Mahalekhakar  
(Lekha Avam Hakdari) M.P. (II)  
Gwalior

Applicant

By advocate None)

Versus

1. Union of India  
through Comptroller and Auditor  
General of India, 10, Bahadurshah  
Zafar Marg, New Delhi.
2. Accountant General  
M.P.(A & E) II, M.P.  
Gwalior.

Respondents.

(By advocate M. Rao)

ORDER

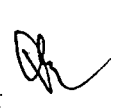
By Madan Mohan, Judicial Member

By filing this OA, the applicant has sought the following reliefs:


- (i) Quash Annexure A10 order dated 8.4.2004 and direct the respondents to calculate interest on the delayed payment of the gratuity amount Rs.2,17,121/- and commuted value of pension Rs.2,48,712 and leave salary Rs.15,550/- as per rules and circulars of the government and make payment of interest.
- (ii) Declare that the applicant is entitled for interest at the rate of Rs.18% per annum or at such rate not below 12%, which is payable as per rules.

2. The brief facts of the case are that the applicant while working as Sahayak Lekha Adhikari with respondent No.2 sought voluntary retirement w.e.f. 2.7.2002 by serving notice dated 6.2.2002. A departmental enquiry was conducted against him vide charge sheet dated 29.4.2002 after his voluntary retirement which was accepted w.e.f.2.7.2002. The enquiry was concluded vide letter dated 17.9.2003. There was no delay on the part of the applicant in the

departmental proceedings and the case was unnecessarily prolonged for such a long period on account of adjournment of dates. The applicant received his gratuity amount of Rs.2,17,127, & commuted value of pension Rs.2,48,712 on 17.10.03 i.e. after 1½ year from the date of his retirement. The payment of leave salary amounting to Rs.15,550 was made on 10.7.03 for no reasons. He submitted a representation on 27.2.2004 for payment of interest on the delayed payment, which was rejected vide order dated 7.4.2004. Aggrieved by the denial of interest on delayed payment, the applicant has filed this OA.

3. None for the applicant. Hence the provision of Rule 15 of CAT (Procedure) Rules 1987 is invoked.
  4. Heard learned counsel for the respondents. It is argued on behalf of the respondents that while the applicant was functioning as Assistant Accounts Officer in charge of Fund-50 Section in the office of respondent No.2, final payment of GPF amounting to Rs.1,14,054/- with interest upto December '97 was authorised in respect of a subscriber named B.L.Verma vide authority letter dated 1.1.98. The authority letter was valid for six months but the DDO could not draw the authorised amount within that period. The Treasury Officer raised objection on payment on the time barred authority letter. The DDO, therefore, sent the time barred authority letter to the office of respondent No.2 for issuing a revised authority letter. The applicant being in charge of the above said Fund-50 Section, did not arrange to issue a revised authority letter in accordance with departmental regulations, instead he initiated undesirable correspondents with subscriber's department. As a result the subscriber could not get payment of his GPF for a long period. The delay prompted the subscriber to approach M.P. Administrative Tribunal which directed payment of GPF with upto date interest to the subscriber. By this act of applicant,
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not only the subscriber was put to undue hardship but the Government also had to pay avoidable interest from April 99 to April 2001. This act of the applicant led to the charge sheet being issued against him. The applicant received the charge sheet on 29.4.2002. He did not submit his reply to the charge sheet within stipulated time of 10 days. Instead, he kept on asking for supply of various documents and demanded one month's additional time for submitting reply. He submitted reply to the charge sheet on 4.7.02 denying the charges. The applicant took 66 days in replying to the charge sheet. The enquiry officer who was appointed on 22.7.2002 found the charges proved vide enquiry report dated 27.5.2003. He desired a personal hearing before the disciplinary authority. During the personal hearing on 15.9.03, the applicant apologised for the omissions and requested for releasing his retiral dues without any claim for interest thereon. The disciplinary authority, taking a lenient view of the confession and apology, decided to drop the proceedings on 17.9.03. During the pendency of departmental proceedings, on the date of voluntary retirement, the applicant was sanctioned provisional pension only. The gratuity was withheld until conclusion of departmental proceedings and the commutation of any fraction of provisional pension was not admissible under the rules. The departmental proceedings concluded on 17.9.2003 and the gratuity as well as commutation of pension was paid to applicant without delay on 17.10.2003. The commuted leave for the period 22.1.02 to 1.3.2002 was sanctioned vide office order dated 1.7.2002 and leave salary therefore was paid on 10.7.2002. The applicant is not entitled to any interest on these payments under the rules.



5. After hearing the learned counsel for respondents and perusing the records, we find that the contention of the applicant that the charge sheet dated 29.4.2002 was issued to him after serving the notice of voluntary retirement dated 6.2.2002 is not correct. The applicant was served with a show cause notice on 7.8.2001 i.e. before the date of service of notice by the applicant dated 6.2.2002 for voluntary retirement. We have perused Annexure R2 dated 15.9.03 in which the applicant has accepted the allegations levelled against him in the charge sheet. He has regretted for the omissions and requested to release his retiral dues during the pendency of disciplinary proceedings. He has mentioned that he wants to lead a peaceful life after retirement and he does not require any interest on retiral dues. On the basis of this statement by the applicant, the disciplinary authority has passed the order dated 17.9.03 and dropped the proceedings, by taking a lenient view. Thereafter, the retiral dues were paid by the respondents. Apparently, the applicant has not mentioned this fact, rather he has concealed intentionally about the statement made by him (Annexure R2).

6. Considering all facts and circumstances of the case, we are of the considered opinion that the respondents have not committed any irregularity nor illegality in their action. This OA has no merit and the same is dismissed. No costs.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

aa.

पूठकन सं ओ/न्या.....जबलपुर, दि.....

प्रतिनिधि आये दित -

(1) सचिव, उच्च न्यायालय एवं एडमिनिस्ट्रेशन, जबलपुर

(2) आदेशक श्री/श्रीमती/कु.....के काउंसल

(3) प्रत्यक्षी श्री/श्रीमती/कु.....के काउंसल

(4) बंधपाल, सचिव, जबलपुर न्यायालय

सचिवा एवं आवश्यक कार्यवाही हेतु

रजिस्ट्रार

Swarns Jovan Singh  
Adv. Genl  
M. Rao D. V. Rao

Issued  
12/8/05