

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No 410 of 2002

Jabalpur, this the 10<sup>th</sup> day of October, 2003.

Hon'ble Mr. Anand Kumar Bhatt, Administrative Member  
Hon'ble Mr. G. Shanthappa, Judicial Member

Harish Chandra Trivedi, IPs  
(Retd.), aged about 62 years,  
S/o Late Pt. R.N. Trivedi,  
R/o 3357, Sanghi Street, Mhow  
Distt. Indore M.P.

APPLICANT

(By Advocate - None)

VERSUS

1. State of Madhya Pradesh  
through the Principal Secretary,  
Home (Police) Department,  
Mantralaya, Vallabh Bhawan,  
Bhopal
2. Director General of Police,  
Madhya Pradesh,  
Police Head Quarters, Jehangirabad,  
Bhopal
3. Union of India  
through the Secretary,  
Government of India,  
Ministry of Home Affairs,  
South Block,  
New Delhi

RESPONDENTS

(By Advocate - Shri S. Akhtar on behalf of Shri B.da.Silva  
for respondents Nos. 1 & 2  
Shri Om Namdeo for respondent No. 3)

O R D E R

By G. Shanthappa, Judicial Member -

The applicant has filed the above application  
seeking the following reliefs -

"8.1.1 The Respondents be directed to pay the  
Applicant, interest @ 18% P.A. on the amounts  
of DCRG and GIS (payments of which were delayed)  
within a time frame that may kindly be laid down  
by the Hon'ble Tribunal.

8.1.2 Any other reliefs which may be deemed fit  
and appropriate in the facts and circumstances  
of the case may be granted.

8.1.3 Costs of this OA may be awarded".

2. The learned advocate for the applicant is not  
present. Hence the case is taken up for hearing invoking  
the powers under Rule 15 of Central Administrative  
Tribunal (Procedure) Rules, 1987.

3. The case of the applicant is that he retired

Contd....2/-

on 30.6.2000 on attaining the age of superannuation. His retiral dues were due from 1.7.2000. As there was a delay in payment of the amount of DCRG and GIS, he has filed this case for payment of interest at the rate of 18% per annum on the amounts of DCRG and GIS.

4. According to the reply of the respondents the applicant was paid the DCRG of Rs.3,50,000/- which was disbursed on 12.6.2001 and GIS amounting to Rs.44,136/- which was paid through cheque no.014834 dated 4.5.2001 which was disbursed on 1.6.2001. The respondents' contention for delay in submission of the aforesaid dues is that during the period of 1998-99 as many as 7 preliminary enquiries were registered against the applicant. In these 7 cases, grave allegations of corruption and misuse of the post were alleged against the applicant. During the pendency of these enquiries, the applicant superannuated. Even then in accordance with rules, provisional pension was disbursed in favour of the applicant. The pension papers were prepared and forwarded to the State Government by the departmental authorities on 18.2.2000. The State Government has submitted the papers to the Accountant General, Gwalior on 3.3.2000 and the Accountant General has passed the order on 10.4.2000. On account of pending enquiry/ investigation into the complaints against the applicant, no dues and clearance certificate could not be issued in favour of the applicant. Based upon the findings of enquiries, the Director General of Police vide orders dated 24.3.2001 and 30.4.2001 closed the enquiries being conducted vis-a-vis the applicant. Hence there was a delay in settling final dues to the applicant. There is no lapse on the part of the department. Hence the applicant is not entitled for interest on the retiral dues.

5. We have carefully perused the pleadings and heard the learned counsel for the respondents. The applicant has not shown any good grounds for grant of interest on the

*Cjs*

Contd.....3/-

delayed amount of DCRG & GIS. As the delay has been caused only because of the pendency of the preliminary enquiries which were of grave nature, it cannot be said that the respondents have deliberately <sup>did</sup> not finalized the claim of the applicant. Accordingly, the applicant is not entitled for the interest on the DCRG & GIS as prayed in the OA. Hence the OA is dismissed, however, without any order as to costs.

*G. Shanthappa*  
(G. Shanthappa)  
Judicial Member

*Anand Kumar Bhatt*  
(Anand Kumar Bhatt)  
Administrative Member.

rkv.

पृष्ठानक सं ओ/व्या..... दि.....

वसिष्ठि संवत् २००३

(1) श्री. वसुदेव प्रसाद, निवासी, बलरामपुर

(2) श्री. वसुदेव प्रसाद, निवासी, बलरामपुर

(3) श्री. वसुदेव प्रसाद, निवासी, बलरामपुर

(4) श्री. वसुदेव प्रसाद, निवासी, बलरामपुर

सुभाष चन्द्र बोस स्मृति

V. Shukla A/c  
B. Dasappa & Co. nandedo

*Truesdell*  
14.10.03

*Forwarded*  
6/11/03