

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.20 of 1999

Jabalpur, this the 4th day of November, 2003

Hon'ble Shri M.P.Singh-Vice Chairman

Shri S.R.Chowdhary,S/o late Shri D.N.Rowdhary,  
Retired Deivisional Accounts Officer-2,  
Resident of Kumharpara,Jagdalpur:Distt Bastar  
(M.P.)

- APPLICANT

(By Advocate - Shri Abhay Gupta)

Verans

1. Union of India represented by Accountant General, Madhya Pradesh, Jhansi Road, Gwalior.
2. Dy.Accountant General, Shahkar Bhawan, T.T.Nagar, Bhopal.
3. Chief Engineer, P.W.D.(B&R), East Zone, Raipur.
4. Executive Engineer, P.W.D.(B&R), West Bastar P.O.Bijapur, Distt.Dantewara, Bastar (M.P.)-RESPONDENTS

(By Advocate Shri S.A.Dharmadhikari)

O R D E R (Oral)

The applicant has filed this Original Application, praying for the following directions-

- " (i) That the respondents may be directed to inquire into the causes for delay in making payments of genuine claims of the applicant (Pensioner) and to fix the responsibility for the delay on the guilty officer and compensate for the financial losses suffered by him by making payment of interest as claimed by the applicant in the above statement i.e. @ 18% on all the amounts from the date these amounts have fallen due to the date of disbursement.
- (ii) That the respondents may be directed to compensate the applicant for the mental strain he has suffered on account of the negligence and carelessness of the respondents in proportion to the quantum of strain to which he was subjected by the respondents and for which he has claimed Rs.30,000/- in terms of money.
- (iii) That respondents be directed to expedite payment as a result of pay fixation arrears on 5th pay commission.
- (iv) That respondents be directed to pay cost of the application and contingent expenses incurred on this application as well as Rs.200/- being the cost of legal notice".

2. The undisputed facts of the case are that the applicant who was working as Divisional Accounts Officer

Contd....2/-

in the office of respondent no.4 retired on 31.5.1997. The retiral dues of the applicant were not paid to him immediately after his retirement. The contention of the applicant is that all pension papers along with all the required documents were sent before 30th September, 1996. The pension papers of the applicant were scrutinised and on scrutiny it was found that these pension papers were not complete. The pension papers were, however, finalised and an order was issued for the payment of retiral dues on 4.5.1998 (Annexure-R-9). The contention of the respondents is that the applicant is responsible for delaying <sup>in</sup> payment of retiral benefits as he did not complete the formalities of filling up the prescribed forms in time. On the other hand the applicant has submitted that there was no delay on his part and it was the respondents who had withheld his retiral dues and delayed the payment. He is, therefore, entitled for payment of interest on the retiral dues as provided under the rules.

3. During the course of arguments, the learned counsel for the respondents has drawn our attention to Annexures-R-1, R-2 and R-3 and stated that the applicant was informed well in advance before his date of retirement to complete the prescribed formalities. On the other hand the learned counsel for the applicant pointed out that the letters placed at Annexures-R-1, R-2 and R-3 are only inter-departmental correspondence and they have not been sent to the applicant.

4. After perusing the records carefully, I find that the correspondence relating to completion of pension papers of the applicant as pointed out by the learned counsel for the respondents are only inter-departmental letters and copy of these inter-departmental letters appears to have been endorsed to the applicant. The learned counsel for the respondents has not been able to convince the Tribunal as to whether any letter was written by the respondents to the

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applicant directly requesting him to complete the formalities. In this view of the matter, I find that the applicant is not responsible for the delay in <sup>payment of</sup> his retiral dues. It is the respondents who have wasted their time in issuing inter-departmental letters and delayed the payment of the applicant. In the circumstances the respondents are liable to pay interest on the retiral dues as provided under the rules.

5. Accordingly, this OA is allowed to the extent that the respondents are directed to pay interest on all the delayed amount of retiral dues from the date it was due till the date of actual payment as admissible under the rules. Let the above order be complied with within a period of two months from the date of communication of this order. No costs.

*M.P.Singh*  
(M.P.Singh)  
Vice Chairman.

rkv.

प्राप्तिक्रम सं. ओ/ज्ञा..... जलालपुर, दि.....  
प्रतिक्रिया दाता) दिः १२  
(१) श. राम दास चतुराज दास उपर्युक्त, जलालपुर  
(२) श. अमित श/रीमा/कु..... के काउंसल  
(३) अत्यारो श/रीमा/कु..... के काउंसल  
(४) श. अ. दीपक, जलालपुर उपर्युक्त  
सूचना एवं आवश्यक दाखिलाएँ देने

*Abhay Gupta, Adv.*  
Abhay Gupta, Adv.  
*SA Dharmadhikari, Adv.*  
SA Dharmadhikari, Adv.

*11.11.03*

*Abhay Gupta*  
11.11.03