

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
Order reserved on: 08.09.2015

**ORIGINAL APPLICATION NO. 060/01065/2014
Chandigarh, this the 11th day of September, 2015**

...
**CORAM: HON'BLE MS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)**

...
Om Parkash Bagri, son of Shri Sri Ram, aged 59 years, Ex-Postal Assistant, Hisar Head Office, Village and Post Office Khulana, Tehsil Hansi, District Hisar.

...APPLICANT

BY ADVOCATE: SHRI ROHIT SETH

VERSUS

1. Union of India through the Secretary to the Government of India, Ministry of Communications and Information Technology, Department of Posts, New Delhi.
2. Chief Postmaster General, Haryana Circle, Ambala-133001.
3. Director Postal Services, Haryana Circle, Ambala-133001.
4. Superintendent Post Offices, Hisar Division, Hisar-125001.

...RESPONDENTS

BY ADVOCATE: SHRI B.B. SHARMA 15

ORDER**HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J):-**

The applicant was a Postal Assistant and was dismissed from service on 31.07.2001 in departmental proceedings initiated against him on the charge of making certain payments on the basis of forged Kisan Vikas Patra and other documents. After failing in his appeal and revision, the applicant filed the O.A. No. 1018/HR/2004, which was partly allowed by this Tribunal, vide its order dated 07.11.2006 (Annexure A-2), whereby the penalty of dismissal was commuted to that of compulsory retirement w.e.f. 31.07.2001. The respondents' CWP No. 2664-CAT of 2007 against the said order was dismissed by the Hon'ble Punjab and Haryana High Court, vide its decision dated 13.08.2009 (Annexure A-3) and thereafter on 20.09.2013 was dismissed their SLP (vide Annexure A-4). The applicant claimed interest for the period of delay in payment of his arrears of pension, commutation, CGEGIS, GPF and gratuity, which was rejected by the respondents, vide the respondent no. 4's letter dated 20.08.2014 (Annexure A-1). Hence, this O.A. praying that Annexure A-1 be quashed. ✓

2. We have heard the learned counsel for the parties, perused the pleadings and the rulings cited by the applicant's counsel at the Bar, and given our thoughtful consideration to the matter.

3. It is well-settled by a catena of judgments that any culpable delay on the part of the employer in payment of retiral dues invites payment of compensation to the retiree in the form of interest [vide, for example, State of Kerala & Ors Vs. M. Padmanabhan Nair, (1985) 1 SCC 429; Mohanbir Kaur Vs. Education Secretary & Ors, order of this Tribunal dated 02.08.2013 in the O.A. No. 819-HR-2012]. Rule 68 of the CCS (Pension) Rules 1972 itself provides for interest on delay in payment of gratuity at a prescribed rate.

4. In the facts and circumstances of this case, we are of the view that right to payment of permissible retiral dues accrued to the applicant on 07.11.2006, which was ordered to be paid within three months from the date of receipt/production of a copy of this Tribunal's order dated 07.11.2006 (Annexure A-2). Period spent in CWP and SLP will not enure to the benefit of the respondents, in the absence of any order restraining operation of the Tribunal's order (Annexure A-2).

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5. Thus, the respondents shall calculate and pay to the applicant, interest for the period starting from 07.02.2007 to the date of actual payment of the dues at the prevalent rate of interest on GPF, except in case of gratuity, for which it shall be the prescribed rate. The exercise shall be completed within two months from the date of receipt of a copy of this Order.

6. The O.A. is allowed in the above terms. No order as to costs.

B. A. Agrawal
(DR. BRAHM A. AGRAWAL)
MEMBER(J)

RS
(RAJWANT SANDHU)
MEMBER(A)

Dated: 11.09.2015
'SK'

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07. OA No. 060/01065/14

07.04.2015

Present:- Sh. S.R. Kajla, proxy
counsel for the applicant.
Sh. B.B. Sharma, Addl.
Standing Counsel for the
respondents.

Learned counsel for the
respondents seeks and is granted,
by way of last opportunity, two
weeks further time for filing reply.

List on 24.04.2015.

Rishabh
REGISTRAR

7/4/15

1-201 not replied.
Please
copy

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CHANDIGARH BENCH
CHANDIGARH.

Pre-delivery order in O.A. No. 060/01065/2014 (Om Parkash Bagri Vs. UOI & Ors.) is sent herewith for kind consideration please.


(DR. BRAHM A. AGRAWAL)
MEMBER (J)
(10.09.2015)

HON'BLE MEMBER (A)
SMT. RAJWANT SANDHU


10/9.