

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

(order reserved on 4.8.2014)

O.A.NO.060/00060/2014 Date of order: 08.08.2014

Coram: **Hon'ble Mr. Sanjeev Kaushik, Member (J)**
Hon'ble Mr. Uday Kumar Varma, Member (A).

N.K.Bhalla s/o Sh. A.P.Bhalla, resident of # 345, MDC Sec. 4, Panchkula (Haryana), recently retired as Deputy Commissioner from Navodaya Vidyalaya Samiti, an autonomous body of the Min. of HRD Govt. of India, New Delhi.

.....Applicant.

(Applicant in person.)

Versus

1. The Commissioner, NVS, B-15, Sec. 62, Institutional Area, NOIDA (UP).

2. The Deputy Commissioner, NVS, Regional Office Bay No.26-27, Sector 31-A, Chandigarh-160030.

...Respondents

(By Advocate: Mr. D.R.Sharma).

ORDER

Hon'ble Mr. Uday Kumar Varma, Member (A):



Applicant N.K.Bhalla has filed the instant OA praying for the following reliefs:-

"i) That following impugned orders be modified and sanctioned from a retrospective date that is the date of retirement of the applicant which is 30.09.2013 and the interest on delayed payment be released to applicant;

a. Sanction order of gratuity dated 30.10.2013 placed as Annexure A-1;

b. Sanction order of leave encashment dated 12.11.2013, placed as Annexure A-2.

c. Sanction order of CPF dated 13.12.2013, placed as Annexure A-3.

ii) That respondents be directed to release an amount of Rs.47502/- to compensate the total loss suffered by the applicant without any fault."

2. According to the applicant, he retired from the post of Deputy Commissioner of the respondent department on 30.9.2013 on attaining the age of superannuation. The applicant has stated that he became entitled to all the retirement dues like gratuity, CPF and leave encashment on the date of his retirement, but the same were paid to him on different dates i.e. 4.11.2013, 18.11.2013 & 19.12.2013 respectively. As a result of this, the applicant has suffered a loss of Rs.47, 502/-. Hence the present Original Application to claim this loss.

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3. Pursuant to notice, the respondents have filed written statement wherein they have stated that there is processing time of 30 days for release of gratuity and leave encashment amount and the respondents have settled the claim of the applicant well in time vide letter dated 30.10.2013. With regard to release of CPF payment, they have stated that the respondents have written a letter dated 10.9.2013 to the applicant for submission of proforma pertaining to gratuity and CPF. After submission of proforma by the applicant, all the three payments were made within three months time from the date of his retirement and there is no willful delay. They have thus prayed for dismissal of the OA.

4. The applicant has filed a rejoinder wherein he has generally reiterated the averments made in the O.A.

5. We have heard the learned counsels for the rival sides and gone through the available records.


▲ 6. Concededly, Shri N.K.Bhalla, applicant retired on 30.9.2013 on attaining the age of superannuation. His gratuity and leave encashment claims were settled on 30.10.2013 and 12.11.2013 i.e. within one & a half month. His CPF payment was released through sanction order dated 13.12.2013. It is clear that all these

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three dues were released to the applicant within a period of three months from the date of his retirement. The respondents have also stated in their reply that the delay in release of CPF was on account of processing in the head office as well as the delay by the applicant himself in submitting all the information well before his retirement date. They have claimed that there has not been inordinate delay in release of retiral dues to the applicant.

7. Looking to the facts, we are inclined to accept the contention of the respondents that there is no deliberate and inordinate delay in release of retiral benefits to the applicant and due endeavour was made by the respondents to release the applicant's dues soon after his retirement. The delay of three months is not unreasonable and, therefore, we are not inclined to accept the plea of the applicant for grant of interest on account of this delay.

8. The applicant has also submitted a judgment passed by the Himachal Pradesh High Court in C.W.P.No.1269 of 2011 (**Sukh Ram Nanda** versus **H.P.S.E.B.L**) which deals with a case where gratuity and leave encashment amount were withheld on account of pendency of departmental proceedings and when the petitioner therein was exonerated, he was given the relief of interest with effect from a date three months after the date of his retirement. The judgment



cited by the applicant does not support his contention, rather, it supports the claim of the respondents that all the retiral dues were disbursed within three months from his retirement, as such, no interest is liable to be paid to the applicant. The relevant part of the judgment, reads as follows: -

"If the payment of gratuity has been authorized after three months from the date of his retirement, interest may be allowed beyond the period of three months from the date of retirement."

9. Resultantly, this OA is found to be bereft of merit and the same is dismissed, with no order as to costs.

(UDAY KUMAR VARMA)
MEMBER (A).

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 8.8.2014.

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