

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.2678/2012

Order reserved on 22nd September 2016

Order pronounced on 07th October 2016

**Hon'ble Mr. Raj Vir Sharma, Member (J)
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Kewal Singh Guleria
s/o late Mr. Bakshi Chand Guleria
R/o Q. No.1507, Type II
Delhi Administration Flats
Gulabi Bagh, Delhi-7

..Applicant

(Mr. Ajesh Luthra, Advocate)

Versus

1. Govt. of NCT of Delhi
Through the Chief Secretary
5th Floor, Delhi Sachivalaya
New Delhi
2. The Secretary (Services)
Services Dept.
7th Level Delhi Sachivalaya
IP Estate, New Delhi-2
3. The Director
Directorate of Education
Old Secretariat
Delhi – 54
4. The Divisional Controller of Accounts (Admn.)
Principal Accounts Officer
Vikas Bhawan, ITO
New Delhi-2
5. The Principal
GBSSS
Karawal Nagar, Delhi – 94

..Respondents

(Mr. Vijay Pandita, Advocate)

ORDER**Mr. K.N. Shrivastava:**

The applicant has filed the instant O.A. under Section 19 of the Administrative Tribunals Act, 1985 praying for the main reliefs:-

“(a) to reconcile the accounts of the applicant forthwith by grant of:

(i) IIIrd financial upgradation and MACP scheme from the date the same became due with all consequential monetary benefit alongwith interests @ 18% from the due date till the date of actual release

(ii) and by grant of interest @18 % p.a. on the amount accrued on account of delayed payment of gratuity and commutation to the applicant to be paid by the respondents in the interest of justice.

(iii) and by grant of interest @ 18% p.a. on the amount accrued on account of delayed payment of pension to the applicant in the interest of justice.

(iv) and by grant of interest @ 18% p.a. on the part of the amount of 10% withholding of the gratuity of the applicant in the interest of justice from the due date till the time of the relations.

(v) AND to refix/redetermine all the retiral benefits accordingly and to immediately release the arrears arising on account of refixation with interest @ 18% p.a.”

2. The brief facts of the case are as under:-

2.1 The applicant joined the respondent-Department as a Lower Division Clerk (LDC) on 19.09.1975 in the Grade IV/DASS. He got his regular promotions. At the time of his retirement on 30.04.2011, he was holding the post of Head Clerk (Grade II/DASS). After about six months of his retirement, on 22.11.2011, the applicant was paid gratuity and commutation of pension.

2.2 The applicant was granted the second financial upgradation under the Assured Career Progression (ACP) Scheme on completion of 24 years of service. He got his regular promotion as Head Clerk (Grade II/DASS) vide order dated 13.06.2007. The Modified Assured Career Progression (MACP) Scheme came to be implemented in the respondent-department w.e.f. 01.09.2008.

2.3 The claim of the applicant is that under the MACP Scheme, he became entitled for third financial upgradation on completion of 30 years of service in the year 2005.

2.4 The applicant was finally granted the third financial upgradation under the MACP Scheme vide order dated 31.01.2013 and the consequential financial benefits, in terms of pay fixation and arrears, amounting to `50,534/- was paid to him on 11.04.2013.

In this O.A., the applicant has claimed interest on delayed payments towards his retiral benefits and on arrears pursuant to his being granted third financial upgradation under the MACP Scheme vide order dated 31.01.2013.

3. Pursuant to the notices issued, the respondents entered appearance and filed their reply. The applicant thereafter filed his rejoinder. With the completion of pleadings, the case was taken up for hearing the arguments of learned counsel for the parties on 22.09.2016. Mr. Ajesh Luthra, learned counsel for applicant and Mr. Vijay Pandita, learned counsel for respondents were heard.

4. From the perusal of the records, it is quite clear that the applicant retired from service on 30.04.2011. He was entitled for his retiral benefits on the day of his retirement, which, however, was paid to him on 22.11.2011, thus he is entitled for interest on this delayed payment at a reasonable rate.

5. As regards his claim for third financial upgradation under the MACP Scheme, it is seen that there were certain issues involved in it, for which some time was required for the authorities to resolve them. Finally, on the resolution of the issues, he was granted the third financial upgradation under the MACP Scheme and consequential financial benefits were given to him on 31.01.2013. In this view of the matter, we do not find any fault on the part of the respondents in releasing such benefits to the applicant after some delay.

6. In the light of discussion in the foregoing paragraphs, we dispose of this O.A. with a direction to the respondents to pay simple interest @ 9% to the applicant for a period of six months, i.e., from 01.05.2011 to 22.11.2011 on the retiral benefits (principal amounts being `8,03,952/- towards gratuity plus `3,74,237/-towards commutation of pension).

7. No order as to costs.

(K.N. Shrivastava)
Member (A)

(Raj Vir Sharma)
Member (J)

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