

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

OA-1862/2014

Reserved on : 30.05.2016.

Pronounced on : 03.06.2016.

Hon'ble Mr. Shekhar Agarwal, Member (A)

Sh. Jagdish Rai,
S/o Sh. Mange Ram,
Deptt. C.P.W.D (Central Govt.),
Age :-62 years,
Group : 'C' LDC (Retd.)
R/o H.No. 67, Gali No. 14,
Bhatta Road, Swaroop Nagar,
Near Govt. School,
Delhi-110042.

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Applicant

(through Sh. I.S. Sharma, Advocate)

Versus

1. Union of India,
(Central Public Works Department),
Ministry of Urban & Rural
Development, Govt. of India,
Nirman Bhawan, New Delhi.

2. Superintending Engineer,
(COORD) coordination Circle-Civil,
N.II, East Bloc-I, Level-VI,
R.K. Puram, New Delhi-110066.

3. Executive Engineer (Civil),
Co-ordination Circle (Civil),
Northern Region, East Block-I,
Level-VI, R.K. Puram,
New Delhi-110066.

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Respondents

(through Sh. Rajeev Kumar, Advocate)

O R D E R

The applicant initially joined the respondents on 02.08.1974 as a Watch & Ward. He was promoted as LDC on 12.06.1985. On 12.04.2012, on his own request, he was transferred from PWD, NCT of Delhi. However, he could not be relieved. According to him, he was again transferred on 29.01.2013 in public interest from PWD Road Main, Main Division. In compliance of the aforesaid order, he joined his duties on 13.02.2013. He retired from service on 28.02.2013. His grievance is that while his pension was sanctioned on time, there has been delayed payment of the following dues:-

- “(i) An amount of Rs.80,024/- towards arrears of ACP on 28.09.13.
- (ii) An amount of Rs. 2,62,980/- towards leave encashment on 01.11.2013.
- (iii) An amount of Rs.4,33,917/- towards gratuity on 27.11.2013.
- (iv) An amount of Rs. 2,87,315/- towards commutation on 27.11.13.”

He has filed this O.A. seeking interest on delayed payments.

2. In support of his claim, the applicant has relied on the judgment of Hon'ble High Court of Delhi in the case of **Roshan Lal & Ors. Vs. DTC**, 140(2007)DLT 49 in which 12% interest has been allowed for delayed payment of retiral benefits of a DTC employee. He has also relied on the judgment of Hon'ble Supreme Court in the case of **S.K. Dua Vs. State of Haryana & Anr.**, AIR 2008 SC 1077 wherein it has

been held that even in the absence of rules, an employee can claim interest on delayed payments of retiral benefits. Further, he has relied on the judgment of Hon'ble High Court of Delhi in the case of **Satya Bhan Singh Vs. UOI & Ors.**, 141 (2007) DLT 85(DB) in which 9% interest was allowed on delayed payments of retiral benefits despite the fact that the petitioner therein had served in different departments prior to his retirement.

3. In their reply, the respondents have stated that the applicant was transferred from PWD, Delhi Division to CPWD, New Delhi on his own request on 12.04.2012 for availing C.G.H.S. facility after retirement. However, he was relieved several months later only on 17.01.2013. This was very close to his date of retirement i.e. 28.02.2013. As per norms, an employee is required to apply for pensionary benefits approximately 09 months prior to his date of retirement. However, the applicant submitted his pension papers only on 01.10.2012 to PWD office. On his transfer, his documents were sent to his new place of posting only on 30.01.2013. On scrutiny, they were found to be incomplete and unsigned. Further, his ACP/MACP benefits were sanctioned only on 18.06.2013 and his pay was fixed only thereafter. All payments, such as, gratuity, commutation, leave encashment etc., which are dependent on pay fixation got delayed because of late sanction of ACP/MACP. Under these circumstances, the respondents have averred that the

applicant was not entitled to any payment of interest as he himself contributed to the delay.

4. I have heard both sides and have perused the material on record.

4.1 The applicant retired on 28.02.2013. His ACP/MACP arrears were paid to him on 28.09.2013. Since ACP/MACP benefit was sanctioned to him only in June, 2013, I do not see much justification in payment of interest on this amount. Further, as per DoP&T O.M. dated 01.05.2002 relied upon by the applicant himself, encashment of leave was a benefit granted under leave rules and cannot be counted as a pensionary benefit. Hence, no interest is admissible on this either. However, I notice that despite ACP/MACP being granted in June, 2013, there was delay in payment of gratuity as well as commutation amount of Rs. 4,33,917/- and Rs. 2,87,315/- respectively, which were paid only on 27.11.2013. In my opinion, almost six months delay in payment of these amounts after grant of ACP/MACP was unjustified. They should have been paid on 28.09.2013 along with ACP/MACP arrears. Therefore, ends of justice would be met if interest is allowed on these amounts for the period 28.09.2013 to 27.11.2013.

5. I, therefore, partly allow this O.A. and direct that interest at GPF rates be paid to the applicant on Rs. 4,33,917/- + 2,87,315/- for the period 28.09.2013 to 27.11.2013. This interest amount will be paid to

the applicant within a period of two months from the date of receipt of a certified copy of this order. No costs.

(Shekhar Agarwal)
Member (A)

/Vinita/