

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH: NEW DELHI

OA NO.2959/2013

Order reserved on 25.11.2016
Order pronounced on 30.11.2016

HON'BLE DR BRAHM AVTAR AGRAWAL, MEMBER (J)

Mrs. Poonam Lohani,
W/o Sh. M.C. Lohani,
R/o 2/201-C, Mehroli,
New Delhi-110030.

...Applicant

(By Advocate: Shri Yogesh Sharma)

VERSUS

1. Govt. of NCT of Delhi
Through the Chief Secretary,
New Sectt., Players Building,
Near ITO, New Delhi.
2. The Director,
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat,
Delhi-110054.
3. Deputy Director of Education,
Govt. of NCT of Delhi,
South District, Defence Colony,
New Delhi.
4. The Vice Principal,
Sarvodaya Kanya Vidyalaya No.2,
Mehroli, New Delhi-30.

...Respondents

(By Advocate: Ms. Harvinder Oberoi)

:ORDER:

The applicant while working as a TGT (Hindi) in Sarvodaya Kanya Vidyalaya No.2 in Delhi sought voluntary retirement though her notice dated 15.06.2011, which was accepted on

29.09.2011, and she stood retired w.e.f. 01.10.2011. Her retiral dues were released to her after a gap of 15-18 months. Through the instant OA, the applicant claims interest @ 12% p.a. for the period of delay.

2. I have heard the learned counsel for the parties, perused the pleadings as well as the rulings cited at the Bar, and given my thoughtful consideration to the matter.

3. While the delay is not disputed by the respondents, their contention is that they were not responsible for the same, as the applicant herself had requested for stepping-up of her pay first, vide her letters dated 30.05.2012 and 04.10.2012 (Annexures R-1 and R-2). However, it transpired during the course of the arguments that stepping-up of the applicant's pay as per the VI CPC recommendations had already been done, but without approval of the competent authority, and the matter was pending for his *ex post facto* approval, which was being pursued by the applicant through her said letters.

4. It appears that the respondents themselves were responsible for the delay in duly securing approved stepping-up of the applicant's pay. As the applicant took voluntary retirement w.e.f. 01.10.2011, a period of three months can be said to be reasonable for calculating, finalising and paying to her her retiral dues. Any delay thereafter can be attributed to administrative lapse.

5. It is well-settled by a catena of judgments that a retired employee is entitled to payment of interest for the period of administrative delay in payment of his retiral dues. If there are statutory rules or administrative instructions occupying the field, benefit of interest can be claimed on that basis. In their absence, interest can be claimed under Part III of the Constitution relying on its articles 14, 19 and 21 [vide **S.K. Dua vs. State of Haryana and Anr.**, (2008) 3 SCC 44]. Also see the Hon'ble Delhi High Court's judgment dated 04.09.2012 in the WP(C) No.5505/2012 [**Govt. of NCT of Delhi vs. Nand Lal Singh**].

6. In the light of the above, I am of the view that the OA deserves to succeed. The respondents are directed to calculate and pay to the applicant within four weeks from the date of receipt of a copy of this Order, interest at the prescribed rate on delayed payment of gratuity [vide rule 68, CCS (Pension) Rules 1972] and at the GPF rate on other retiral dues for the period from 01.01.2012 to the date(s) of actual payment(s).

7. The OA is allowed accordingly. No order as to costs.

**(DR BRAHM AVTAR AGRAWAL)
MEMBER (J)**

/jk/

