

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**O.A No. 3084/2016
M.A No. 229/2017**

Reserved on : 03.11.2017

Pronounced on : 07.11.2017

Hon'ble Mrs. Jasmine Ahmed, Member (J)

Roshan Singh,
S/o. Shri Raghubir Singh,
Aged 62 years,
Ex-ATI, Token No. 27934,
H. No. 636,
Village & Post Office, Nonand
P.S. – Sampla,
Distt. Rohtak, (Haryana)

...Applicant

(By Advocate : Mr. U. C. Mathpal)

Versus

Delhi Transport Corporation
Through its Chairman-cum-Managing Director,
Govt. of NCT of Delhi,
I.P. Estate,
New Delhi – 110 002.

...Respondent

(By Advocate : Ms. Ruchira Gupta)

O R D E R

Hon'ble Mrs. Jasmine Ahmed, Member (J) :

The applicant who is working as Conductor in DTC was charge sheeted vide letter dated 16.07.1992 and on 16.12.1992 he was terminated from the services of the Corporation. The order of termination was challenged by the applicant before Industrial Tribunal vide order dated 28.08.1997. The Industrial Tribunal rejected the termination order passed by the Corporation in respect of the applicant. On 28.08.1998 and

14.12.98, it is contended by the counsel for the applicant that he was called in the office of the management of the Corporation and the respondents wanted that the applicant should forego his back wages and all his other benefits. As the applicant did not agree with the proposal of the respondents, the applicant was not reinstated in service. Being aggrieved by the action of the respondents the applicant filed a Writ Petition (C) No. 1673/2000 against the inaction of the Corporation for not reinstating him, before the Hon'ble High Court of Delhi. Vide order dated 12.05.2003, the Hon'ble High Court of Delhi ordered reinstatement of the applicant with continuity of service along with all consequential benefits. The applicant reported for duty by giving representation/letter dated 22.05.2003. The respondents passed an order dated 01.07.2003 for reinstatement of the applicant with immediate effect along with continuity of service and also ordered to pay him all arrears of emoluments and all other consequential benefits. As per order of Hon'ble Delhi High Court, the applicant was also directed to deposit the amount with the Corporation which was paid to him at the time of removal along with interest. As per the direction of the respondents Corporation, the amount of Rs.1,47,980/- was deposited by the applicant on 16.02.2004 in the Accounts Section of Gazipur Depot vide receipt No. 11694. The applicant ultimately superannuated from service of respondents on 31.05.2014. As he was not getting pension, the applicant submitted representation to the respondents for releasing of his

pension. The respondents without giving reply to the letter dated 29.04.2015 of the applicant, sent a demand letter dated 14.08.2015 for depositing of Rs.1,92,755/- so that the respondents can initiate the action on pension. On 18.04.2016, the applicant raised his grievance before the grievance committee but, instead of any redressal, they also directed vide letter dated 18.04.2016 to deposit the sum of Rs.1,47,980/- along with interest within 7 days so that the release of pension could be initiated. The applicant afterwards preferred an application under RTI Act, 2005 seeking status of already deposited amount of Rs.1,47,980/- in February, 2004. The respondents in receipt of RTI vide letter dated 21.06.2016 informed that the applicant had already deposited the amount of Rs.1,47,980/- in the Gazipur Depot vide C.R. No. 11694 dated 16.02.2004. It was also informed that the service book of the applicant along with pension file has been sent to the pension department. But, as no pension was received by the applicant after that also, he preferred this O.A seeking the following reliefs :-

“a) issue appropriate directions to quash Annexure-1 and Annexure-2 issued by the respondent, as the applicant has already deposited the amount demanded.

b) the applicant may please be granted pension w.e.f. 01.06.2014 and paid arrears of pension along with interest @18% per annum within a period of 04 weeks from the date of Hon’ble Court’s orders.

c) the cost of the proceedings may also be awarded in favour of the applicant.”

2. Learned counsel for the respondents very fairly agreed that firstly they were not able to trace out the receipt of the applicant of deposit of the amount of Rs.1,47,980/- in Gazipur Depot. Hence, whatever action/direction was given to the applicant was under the misconception but, the moment they found receipt, they initiated the process of releasing the pension to the applicant and the delay in this regard is not at all intentional, but due to the procedural lapses. Counsel for the respondents states that they have already released the pension along with the arrears to the applicant and deposited the amount in his bank account in the month of June, 2017. He also stated that the interest claimed by the applicant on the delay of releasing pension is neither intentional nor deliberate but under the bona fide mistake. Hence, the applicant is not entitled for any interest on the delayed payment.

3. Heard the learned counsel for the parties and perused the documents on record.

4. It is a settled position of law that if the delay is not at all attributable on behalf of the applicant, the respondents are bound to give interest on delayed payment of pension and arrears. It is not disputed by the respondents that the applicant in proper time has deposited the sum of Rs.1,47,980/- by proper receipt at Gazipur Depot. It was the duty of the respondents to preserve the receipt with them carefully. Accordingly, the delay is on the part of the

respondents whether it is unintentional or deliberate but the delay has occurred. Hence, as per settled law, the applicant is entitled for interest. Accordingly, the respondents are directed to pay the applicant interest at the current GPF rate from the date it was due to him till the date it was released to him.

5. With the above direction, the O.A stands disposed of.
No cost.

(Jasmine Ahmed)
Member (J)

/Mbt/