

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH



No. OA 615 of 2013

Date of order : 18.2.2016

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

CHIRALANJAN BISWAS

VS

UNION OF INDIA & ORS.

For the applicant : Mr.T.K.Rakshit, counsel

For the respondents : Mr.K.K.Maity, counsel

O R D E R

This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. The applicant has sought for the following relief :

"The applicant prays for a direction, directing the respondent authorities to pay the interest at per of the maximum term deposit interest on the arrear of revised pension amount on and from 1.1.1996 within a month from the date of order."

3. It is an admitted fact that his father was entitled to arrears of pension from 1.1.96 to 12.5.01. On 21.4.09 in OA 230/09 this Tribunal directed the respondent No.2 or any other competent authority to consider and dispose of the claim for pension as per rules in tune with the observations made in the OA. The department issued a payment order of Rs.34,138/- on 20.10.10. The respondents have dispelled the claim on the ground that the applicant has not asked for interest on delayed payment in his representation which was directed to be considered.

4. It is evident from the copy of the application being OA 230/09 that the applicant has sought for release of dues with interest and the order that was passed by this Tribunal was that the claim of the applicant for pension would be considered as per rules.

The following legal position is noted :

(i) In **S. K. Dua vs. State of Haryana & Anr. [2008(3) SLJ 108]**, the Hon'ble Apex Court allowed the interest on delayed payment of retiral benefits released after the delay of 4 years.

(ii) The Hon'ble High Court of Gujarat in the case of **Suresh O Shah vs. State of Gujarat in Special Civil Application No. 220/2003** rendered on 03.02.2005 in the following order :

*"In a case where delay was made without any explanation it was held that "it would always be open to the Court to grant interest on the delayed payment of the retiral dues."*

(iii) **Bhaiyal Mahijibhai Patel vs. Union of India & Ors. [2014(2) SLJ 22 CAT]**, wherein it was held that delayed payment of retiral/terminal benefits is liable to be shackled with payment of interest till such payments were made.

(iv) In **OA. 2832/2012 (Aswini Kumar vs. Union of India & Ors.)**, rendered by Principal Bench on 11.02.2015, interest was allowed on arrears of pension, gratuity and leave encashment.

6. In view of the fact that the applicant while preferring OA 230/09 has sought for interest on delayed payment and the admitted position being that the pension which accrued to the employee in 2001 was paid after a considerable delay in 2010 and in view of the fact that the delay in making payments could not be attributed to the present applicant, the OA is disposed of with a direction upon the respondent authorities to pay interest @ 8% per annum on the arrears that was paid in 2010 from the date the arrears became payable till the date the arrears were paid.

7. The OA is accordingly disposed of. No order is passed as to costs.

(BIDISHA BANERJEE)  
MEMBER (J)

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