

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

OA No. 491 of 2012

**Present: Hon'ble Mr.Gokul Chandra Pati, Administrative Member
Hon'ble Mr. Swarup Kumar Mishra, Judicial Member**

Gagan Behari Sahoo, aged about 63 years, S/o Late Banchhanidhi Sahoo, retired as D.E.(T), office of the General Manager Telecom District, BSNL, Balasore and permanent resident of MIG-75, Phase-I, Khandagiri Enclave, OSHB Colony, Bhubaneswar – 751030.

.....Applicant

VERSUS

1. The Controller of Communication Accounts, Orissa Telecom Circle, PMG Building, 4th Floor, Bhubaneswar-751001.
2. The General Manager Telecom District, BSNL, Balasore – 756001.
3. The Chief General Manager, Bharat Sanchar Nigam Ltd., Orissa Circle, Bhubaneswar – 751001.
4. The Member (Finance), Department of Telecom, Sanchar Bhavan, 20 Ashoka Road, New Delhi – 110001.

.....Respondents.

For the applicant : Mr.A.K.Mohanty, counsel

For the respondents: Mr.S.B.Jena, counsel (Resp. No. 2 & 3)
Mr.D.K.Mallick, counsel (Resp No. 1 & 4)

Heard & reserved on : 1.1.2019

Order on : 3.1.2019

O R D E R

Per Mr.Gokul Chandra Pati, Member (A)

In this case, the initial grievance of the applicant was on account of non-release of the pensionary benefits to the applicant at the revised rate. While the OA was pending, the respondents sanctioned the revised pension and disbursed the arrear pensionary benefits. As stated by the applicant in the MA No. 1153/2012. He has also stated that since he has already received the differential pensionary benefits and hence, the reliefs prayed for the para 8(A) and 8(B) of the OA have already been extended by the respondents pending adjudication of the OA and the only relief which is pressed by the applicant is for payment of interest at the rate of 9% per annum, as prayed for in para 8(C) of the OA.

2. We heard learned counsels for both the parties. Learned counsel for the applicant vehemently argued for payment of interest on delayed payment in

accordance with the judgment of Hon'ble Apex Court in the case of **S.K. Dua vs. State of Haryana and another**, reported in **(2008) Supreme Court Cases (L&S) 563**. Learned counsel for the respondents, on the other hand, submitted that as per the rules, the applicant is entitled for the interest on delayed payment of gratuity as per the provisions of the CCS (Pension) Rules, 1972, which has already been released by the respondents and there is no rule for payment of interest on the rest of the pensionary benefits.

3. We have considered the submissions and perused the pleadings on record filed by both the parties. In the case of S.K. Dua (supra), the employee concerned was subjected to charge-sheet allegedly at the instance of a senior officer, delaying release of the pensionary benefits to the applicant. But subsequently, the proceedings were dropped and the amount payable to the applicant was released. The matter was remitted by the Hon'ble Apex Court to the Hon'ble High Court for adjudication on the issue of payment of interest on merit. The ratio of this judgment will not be applicable to this OA, where the pensionary benefits at pre-revised rate were released to the applicant and the decision relating to the revision of pension and payment of consequent differential benefits to the applicant was delayed. In this case, the payment of the differential pensionary benefits has been delayed due to delay in finalization of the revised pension and no satisfactory reason has been furnished by the respondents for the delay in finalization of the revised pension in their reply to the MA No. 1153/2012. It is stated in the reply filed by the respondent no. 1 and 4 that an interest of Rs. 11722/- has already been sanctioned to the applicant vide the order dated 6.3.2013 (Annexure-R/1). This implies the fact that the delay in release of the differential gratuity was due to the delay on the part of the respondents.

4. In view of above, the respondents are directed to release the interest on the delayed payment of the differential gratuity and the differential pension paid to the applicant at the rate of 9% per annum payable from two months from the date of the applicant's retirement till the date of actual payment to the applicant, if not paid already to the applicant, within two months from the date of receipt of a copy of this order. The OA is allowed to the extent as above. No order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER (J)

I.Nath

(GOKUL CHANDRA PATI)
MEMBER (A)