

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

ORGINAL APPLICATION NO.200/00834/2016

Jabalpur, this Wednesday, the 23rd day of January, 2019

HON'BLE MR.NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR.RAMESH SINGH THAKUR, JUDICIAL MEMBER

Raghunath Prasad Patel (Retd.) S/o Shri Pyarelal Patel,
Date of Birth 7.6.1953, R/o House No.668, Shankar Nagar,
Near Sandeep Gas Godown, Katangi Road, Karmeta,
District-Jabalpur-482001 (M.P.).
(By Advocate –Shri S.K.Nandy)

- APPLICANT

Versus

1. Union of India through its Secretary,
Ministry of Communication, Department of Telecommunication,
New Delhi-110 001

2. Chairman-cum-Managing Director, Bharat Sanchar Nigam Ltd.,
Corporate Office, New Delhi-110 001

3. Chief General Manager, Bharat Sanchar Nigam Ltd.,
Hoshangabad Road, Bhopal-462001 (M.P.)

4. General Manager Telecom District, Bharat Sanchar Nigam Ltd.,
Jabalpur-482001 (M.P.)
- RESPONDENTS

(By Advocate – Shri Sapan Usrethe)

(Date of reserving the order:23.08.2018)

O R D E R

By Ramesh Singh Thakur, JM-

The applicant is aggrieved by non-payment of interest on delayed payment of retiral dues. He has, therefore, prayed for the following reliefs:

“8.1 summon the entire record from the possession of the respondents for its kind perusal.

8(ii) Command the respondents to pay interest upon the delayed payment of gratuity, leave encashment, arrears of pension and other retiral dues from the date of his retirement i.e. 30.06.2013 till the date of receiving the PPO i.e. after 15.09.2015.

8(iii) Any other order/orders, which this Hon'ble Court deems fit and proper may also be passed.

8(iv) Award cost of the litigation in favour of the applicant".

2. The applicant's case is that he was initially appointed with the respondent-department on 6th September, 1982 on the post of Assistant Wireman in Telecom Department. He submitted his option for absorption in Bharat Sanchar Nigam Limited (for brevity 'BSNL') with effect from 1st October, 2000. He was promoted as Wireman in 2010 and on attaining the age of superannuation was retired with effect from 30.06.2013. Due to non-issuance of presidential sanction regarding his absorption in BSNL, his retiral dues were not finalized. He filed an Original Application No.200/00017/2015, which was disposed of by this Tribunal vide order dated 05.02.2015 with a liberty to him to submit a representation and the respondents were directed to consider and decide the same within a stipulated period. The respondents disbursed the amount of retiral dues and pension payment orders after about 2 years and 3 months, without any fault on his part. Therefore, he is entitled to get suitable interest upon delayed payment of his retiral dues.

3. On the other hand the respondents submit that the applicant was working in Electrical Wing (Telecommunication) and this wing was merged in the respondent department only on 30.01.2013. His absorption form in BSNL was forwarded by the Executive Engineer (Electric) Jabalpur to Superintendent Engineer (Electric) Bhopal on 18.01.2001. On perusal of the service book it was found that the presidential order was not available in the service book and thereafter proceedings to obtain the presidential order were initiated by the respondents. The applicant had not taken any pain regarding the issue whether the presidential order regarding his option was issued or not. The applicant retired on 30.06.2013 and because of non-issuance of presidential order the payment to the applicant was delayed. The presidential order was issued on 27.07.2015 (Annexure R-1) and thereafter after completion of all the formalities the retirement dues of the applicant were immediately paid.

3.1 The respondents further submit that the applicant was immediately paid the amount of leave encashment of Rs.3,22,690/-. He had not submitted his pension papers before the authorities. He had filled up the pension form and other details on 05.11.2013. Thus, the delay was on the part of the applicant. The applicant was well aware that the presidential order was not issued in his favour till his retirement even though he had not made any efforts for it. There is no provision for payment of interest as claimed by the applicant. There was no wilful or malafide intention on

the part of the respondents against the applicant in any manner and the retiral dues have already been paid immediately after the issuance of presidential order.

4. Heard the learned counsel of parties and carefully perused the pleadings of the respective parties and the documents annexed therewith.

5. During the course of arguments the learned counsel for the applicant has placed reliance on the decision of Hon'ble Supreme Court in the matter of **D.D.Tewari (dead) through LR Vs. Uttar Haryana Bijli Vitran Nigam Limited and others**, (2014) 8 SCC894, wherein their lordships have awarded interest at the rate of 9% per annum both on the amount of pension due and the gratuity amount.

5.1. The learned counsel for the applicant also relied on the decision of Principal Bench of this Tribunal in the matters of **Dr.Satish Chandra Govil. Vs. Union of India and others**, 2018 (1) SLJ (CAT) 1 wherein interest was allowed at GPF rates on delayed payment of retiral dues except commuted value of pension.

6. The undisputed facts of the present case are that the applicant retired on 30.06.2013 and the retiral dues were paid to him only after passing of the presidential order dated 27.07.2015, without any fault on the part of the applicant.

7. Thus, having considered the facts of the present case and the decisions, referred to above, we are of the considered view that the applicant is entitled for interest at the GPF rates, on the dues which were paid to him belatedly, except on the commuted value of pension.

8. In the result, the Original Application is allowed. The respondents are directed to pay interest at the GPF rates on the retiral dues, which were paid to the applicant belatedly, within a period of three months from the date of communication of this order. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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