

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.200/844/2013**

Jabalpur, this Thursday, the 08<sup>th</sup> day of August, 2019

**HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER**

Chhotelal (Retired Chowkidar), Son of Shri Kashiram Bundela,  
aged about 67 years, R/o House No.7, near Military Gate,  
Sarajahanabad, Bhopal (MP) - 462001 **-Applicant**

**(By Advocate – Shri N.K. Agrawal)**

**V e r s u s**

1. Union of India through Secretary, Ministry of Defence, Govt. of India, South Block, New Delhi – 110001.
2. Chief Engineer, Central Command, Military Engineering Services, Lucknow (U.P) – 226003.
3. Chief Engineer, Military Engineering Services (M.E.S.), Bhopal Zones, S.I. Lines, Bhopal (M.P.) – 462001.
4. Garrison Engineer, Military Engineering Service (M.E.S.), Bairagarh, Bhopal (M.P.) – 462030.
5. Officer Incharge, Defence Services, Civil Pension, Office of Controller of Defence Accounts (Pension), Dropadi Ghat, Allahabad (U.P) – 211001.
6. Chief Engineer, Jabalpur Zone, Military Engineering Service (M.E.S), Ridge Road, P.O. Box No.84, Bhagat Marg, Jabalpur (M.P.) – 482001.
7. Controller of Defence Account, Ridge Road, Jabalpur (M.P.) – 482001.
8. Commander, Works Engineer, Military Engineering Services (M.E.S.), S.I. Lines, Bhopal (M.P.) - 462001 **-Respondents**

**(By Advocate – Shri Manish Chourasia)**

## **ORDER (O R A L)**

The applicant is retired as Chowkidar from the respondent department. He was placed under suspension on 22.10.1982 (Annexure A-1) due to a criminal case. The suspension was revoked on 06.08.2004 (Annexure A-2). The applicant superannuated on 31.10.2006. He was acquitted from the criminal case on 11.08.2011 (Annexure A-3).

2. He has sought for the following reliefs:

**“Relief(s) sought:**

*In view of aforementioned facts and circumstances it is therefore, humbly prayed that this Hon’ble Tribunal may kindly be pleased:-*

8.(i) *to direct the respondents to make payment to the applicant regarding his Arrears of Pay, Leave Encashment, Pension, Gratuity, Commutation of Pension as per Annexure A/7 after granting first and second A.C.P to the applicant including Revision of R.P.R 2006 within a time bound frame, as after revocation of suspension on 26.8.2004 (Annex.A/2) and after acquittal of applicant in Criminal Case on 11.8.2011 (Annex.A/3), the applicant is entitled for the said benefits.*

8.(ii) *to direct respondents to make payment to the applicant, interest for delayed payment @ 18% per annum till the actual date of payment, as there is no fault on the part of applicant along with damages for pain and mental agony.*

8.(iii) *Or in the alternative, the respondent authorities be directed to decide the representation dt.30.8.13 (Annexure A/6) submitted by the applicant to the respondent authorities along with copy of summary of Dues regarding Pay,*

*Encashment of Leave, Pension, Gratuity, Commutation of Pension (Annexure A/7) within a time bound frame.*

*8.(iv) to grant any other relief which this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case alongwith costs of petition."*

3. This is the second round of litigation. In the earlier O.A No.679 of 2012, this Tribunal had disposed of the O.A vide order dated 30.04.2013 (Annexure A-4). The relevant Para of the order reads as under:

*"The applicant has filed this Original Application and prayed for the following reliefs:*

*(i) The Hon'ble Tribunal may kindly be pleased to direct the respondents to make payment to the applicant of his subsistence allowance including annual increment during the suspension period, amounting to Rs.7,36,719/- immediately.*

*(ii) The Hon'ble Tribunal may kindly be pleased to direct the respondents to make payment to the Applicant interest for delayed period at the rate of 18% p.a. till the actual date of payment to the Applicant interest for delayed period at the rate of 18% p.a. till the actual date of payment, as there is no fault on behalf of applicant alongwith damages for pain, mental agony etc.*

*(iii) Any other relief which this Hon'ble Tribunal may kindly be deemed fit and proper looking to the facts and circumstances of the case in favour of the applicant."*

2. Shri Khare, learned counsel for the respondents submits that entire claim of the applicant has been settled and the applicant has been paid a sum of Rs.5,78,288/- through Cheque dated 29.01.2013. His claim, on account of Adhoc Bonus for Rs.38538/-, has already been forwarded to the CDA Jabalpur vide office letter dated 21.02.2013, and decision is to be taken by the CDA Jabalpur.

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5. *In view of the above submissions made by the learned counsel for the parties, this Original Application is disposed of with a direction to the respondents to disburse the applicant's entitlement on account of Adhoc Bonus, within a period of 60 days from the date of receipt of a copy of this order. The applicant shall be at liberty to file appropriate proceedings available under the law, if his grievances are not redressed."*

4. Learned counsel for both the parties submitted that all the payments as sought for in Para 8.(i) of the O.A, have already been paid to the applicant and this Original Application is only restricted to relief sought for in Para 8.(ii) of the O.A, i.e. interest for delayed payment.

5. It is seen that no reason has been assigned by respondents for delayed payment.

6. Considering the fact that in OA 679/2012, this Tribunal had allowed time of 60 days to make payments and no interest was ordered, no interest may be paid upto 60 days from the date of receipt of certified copy of order dated 30.04.2013 in O.A. 679/2012. Respondents are directed to pay interest at GPF rate beyond that date upto date of payment. This shall be paid within 90 days from the date of receipt of certified copy of this order.

**(Navin Tandon)**  
**Administrative Member**

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