

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA

**LIBRARY**

OA. 350/00931/2014

Date of Order: 30.5.16.

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

Amar Chandra Majumdar, son of late  
Debendra Chandra Majumdar, aged about  
61 years, Ex-Sr. Post Master, Serampore  
H.O., residing at 42, Bharat Chandra Roy  
Para, Ganguli Para, P.O.- Shyamnagar,  
District- North 24 Parganas.

.....Applicant.

-versus-

1. Union of India, through the Secretary, Ministry of Communication, Deptt. Of Post, Dak Bhavan, New Delhi- 1.
2. Chief Post Master General, West Bengal Region, Yagayog Bhavan, Kolkata- 700 012.
3. Sr. Superintendent of Post Offices, South Hooghly Division, Serampore- 712201.
4. Sr. Accounts Officer, Office of the P.M.G. S.B. Region, Kolkata- 700 012.

.....Respondents.

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. BP Manna, Counsel

ORDER

Per Ms. Bidisha Banerjee, JM:-

This matter is taken up in 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. Heard both.
3. The applicant is aggrieved with an order dated 27.06.2014 issued by Sr. Accounts Officer, Office of the Postmaster General, South Bengal Region, intimating him that the payment of Provisional Pension of Rs. 13, 195/- + D.R, as admissible, has been sanctioned by the Directorate of Postal Services, South Bengal Region in favour

of the applicant, Ex-Sr. Postmaster, Serampore Head Office with effect from 01.01.2014 upon his retirement with effect from 31.12.2013 (A/N) on superannuation and that payment would continue for a period of 6 months with effect from 01.01.2014.

4. The applicant has sought for the following reliefs:

"8(i) An order do issue directing the respondents to grant regular pension and other retiral benefits i.e. P.F. dues, Commuted Value of Pension, Group Insurance, DCRG etc. in favour of the applicant with interest;

(ii) Letter dated 27.06.2014 issued by the respondents No. 4 cannot be tenable in the eye of law and therefore the same may be quashed."

5. During the course of hearing learned counsel for respondents handed over a communication dated 28.04.2016 issued by ADPS (Inv. & Court), Office of the Chief PMG intimating to their learned counsel as follows:

".....review of punishment order of the above applicant was pending with the Postal Directorate, New Delhi and the said Directorate vide its letter dated 28.4.2016 has intimated that the order of penalty awarded to Sri A.C. Majumder vide order dated 27.3.2002 suffers from technical infirmities and suggested to drop the memo dated 21.2.2011 proposing review of the said penalty and to release all pensionary benefits to said Sri Majumder. Action in the matter is being initiated in accordance with the Postal Directorate's said letter dated 28<sup>th</sup> April, 2016 (copy enclosed)."

6. In view of above, the learned counsel for respondents submitted that the applicant would be paid all his due benefits.

Learned counsel for respondents further submitted that no interest should be charged on the delayed payment, since the delay occurred due to pendency of the proceeding.

7. In my considered opinion dropping the memo proposing review of penalty with no intention to proceed afresh, with a clear indication of releasing all pensionary benefits, but after a delay of more than 2 years should be construed as dropping of proceedings itself, which would render its initiation itself as nullity. Such futile initiation causing delay in disbursement of pensionary benefits for more than 2 years was harassive and therefore ought to be visited with a penalty of interest.

8. Here I seek to be guided by the following decisions:

(i) **S. K. Dua vs. State of Haryana & Anr.** reported in 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 a case where delay was made without any explanation, held that "*it would always be open to the Court to grant interest on the delayed payment of the retiral dues.*"

(iii) In **Bhailal Mahijibhai Patel vs. Union of India & Ors**, reported in 2014(2) SLJ 22 CAT, 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 in the case of **Aswini Kumar vs. Union of India & Ors**, Principal Bench on 11.02.2015, allowed interest on arrears of pension, gratuity as well as leave encashment.

9. In view of above, the OA is disposed of with a direction upon the respondent authorities to release all the payments with interest @ 8%, from the due date till the date of actual payment, within a period of 2 months from the date of communication of this order. No costs.

(Bidisha Barerjee)  
Member (J)

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