

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.623 OF 2003

New Delhi, this the 10th day of November, 2003

HON'BLE SHRI SHANKER RAJU, JUDICIAL MEMBER

Ishwar Chander Virmani
(Retired TGT)
Government Boys Senior Secondary School,
DDA Flats, Kalka Ji, New Delhi
R/o L-51, Srinivaspuri,
New Delhi.

.....Applicant
(By Advocate : Shri S.N. Anand)

Versus

1. Government of NCT of Delhi
Through Director of Education,
Secretariat
Players Building,
ITO Complex, IP Estate,
New Delhi.
2. The Deputy Director of Education,
District South (Administrative Branch)
Defence Colony,
New Delhi.
3. The Principal
Government Boys Senior Secondary School,
DDA Flats, Kalka Ji,
New Delhi.

.....Respondents
(By Advocate : Shri George Paracken)

ORDER (ORAL)

By this OA, the applicant has sought release of his pensionary benefits and the interest at the rate of 18% on delayed payment of his retiral dues.

2. The applicant on superannuation retired on 31.3.2002 and was entitled to all the retiral benefits within three months as per CCS (Pension) Rules, 1972. The applicant has only been paid his provident fund dues, which were disbursed to him only in the month of July, 2002 and other benefits have been withheld without any basis giving rise to the present OA.

3. Relying upon the decision of the Apex Court in the cases of State of Kerala Vs. M. Padmanabhan Nair, (1985 1 SCC 429, and Vijay L. Mahrotra Vs. State of UP and others, JT 2000 (5) SC 171, it is contended that upto August, 2002, the applicant, who was earlier working in different departments, had returned service book duly completed by him, yet the respondents have taken one year thereafter to disburse the remaining amount of his retiral dues, which he received subsequently on 19.9.2003. As there is no valid explanation or justification for this delay, which is not attributable to the applicant, as it is the duty of the custodian of the record, i.e., respondents to have completed the papers two years in advance on superannuation of the applicant and eight months earlier to the retirement, the delayed payment entails interest at the rate of 18% per annum.

4. On the other hand, Shri George Paracken, learned counsel has vehemently opposed the contentions and stated that on two occasions, the applicant had taken his service book to complete and to get the relevant entries recorded in the same, which he returned only in August, 2002 and thereafter, in absence of necessary entries which were recorded later on, the retiral benefits have been paid to him on 19.9.2003. As the delay is on account of administrative exigency, the same does not entail any interest.

5. I have carefully considered the rival contentions of the parties and perused the material placed on record.



6. After August, 2002, the applicant has no role to play in completion of the service record, it is otherwise incumbent upon the respondents to have completed the necessary service record of the applicant and to prepare the pension papers two years before his superannuation and eight months before the date of retirement. Once the applicant has returned the service book by duly recording entries in August 2002, the delay by the respondents to disburse the remaining amount on 19.9.2003, i.e., after more than a year is without any justifiable reasons and I also find that the said delay is not attributable to the applicant.

7. In the light of the decision of the Apex Court in Vijay L. Mahrotra (supra), as the delay has occurred due to the fault of the respondents, the applicant is entitled to the interest on delayed payment of retiral dues. The present OA is accordingly, disposed of with a direction to the respondents to accord to the applicant simple interest at the rate of 9% on the delayed payment of his retiral dues to be computed from August, 2002 till the same is actually disbursed to the applicant on 19.9.2003 within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

S. Raju

(SHANKER RAJU)
JUDICIAL MEMBER

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