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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2902/2003

New Delhi, this the 17th September, 2004

Hon'ble Shri S.K. Naik, Member(A)

Dr Prem Prakash
Flat No.46, Saverkar Apartments
39, IP Extension, Delhi-110092

.. Applicant

(Shri S.K. Sawhney, Advocate)

versus

1. Secretary
Department of Education
Govt. of NCTD, Delhi
2. Director(Education)
Govt. NCTD, Delhi

.. Respondents

(Shri Mohit Madan, Advocate)

ORDER

The only short point that needs to be determined relates to payment of interest on the delayed payment of retiral benefits to the applicant herein.

2. The admitted position is that the applicant retired as Deputy Director(Education) w.e.f. 31.1.2002 on attaining the age of superannuation. He had submitted his pension papers on 21.1.2002. On his retirement, he was paid balance of Provident Fund at his credit and was sanctioned provisional pension vide orders dated 2.4.2003 on the ground that some vigilance enquiry report against him was awaited from the Director (Vigilance). Thereafter provisional pension along with arrears for the period from 1.2.2002 to 31.3.2003 was released to him vide letter dated 9.6.2003. After protracted correspondence between the respondent-department and the Police authorities, it ultimately transpired that the applicant was not involved in any FIR and vigilance clearance was made available to the respondent-department on 27.2.2004. Thereafter pension papers were sent to the Pension Branch PAO on 16.3.2004, PPO was issued and the applicant has been paid gratuity and commutation of pension etc.

3. Though in the relief column applicant has prayed for payment of all retiral benefits, counsel for the applicant has fairly conceded that the applicant has received these benefits. He has contended that the delay in the release of pension was attributable to the respondents and not to the applicant, on the wrong pretext of there being a case pending against the applicant; therefore he is entitled to receive interest @ 18% on the delayed

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payment from the date of retirement till the date of its payment. In this connection, he has relied upon the judgement of the Calcutta High Court in **CO No.9270/1993 decided on 30.6.2003 (Dharma Narayan Das Vs. Dt. Inspector of Schools & Ors. ATJ 2004(2) 295 and of the Supreme Court in Vijay L.Mehrotra Vs.State of UP JT 2000(5) SC 171.** In both these cases, the Courts ordered that simple interest @ 18% be paid to the petitioners therein on the delayed release of pensionary benefits.

4. Counsel for the respondents argued that the applicant himself is to be blamed for the delay in submitting pension papers, i.e. he submitted the same on 21.2.2002 whereas as per rules he should have submitted the same six months prior to retirement. He has further submitted that the delay occurred in getting vigilance clearance in respect of the applicant was due to the circumstances beyond their control and the moment they have received vigilance clearance immediate action was taken to issue PPO and release pensionary benefit to the applicant and therefore there is no question of payment of any interest for the alleged delayed payment.

5. I am unable to agree with this argument. If the applicant was required to submit the pension papers six months in advance it was for the respondents themselves to initiate action accordingly. In fact there is no whisper in the reply filed by them as to why they have not taken any action to get the pension papers duly completed from the applicant in time. Thus they cannot shift the blame on the applicant. In the case in hand, the delay is not attributable to the applicant as is evident from the reply of the respondents.

6. In view of this position and having regard to the aforesaid decisions, the prayer of the applicant for payment of interest for the period of delay is allowed. Respondents are directed to pay simple interest to the applicant at the rate of 9% per annum on the delayed payment of pensionary benefits from the date of applicant's retirement till the date of actual payment. This exercise shall be carried out within a period of three months from the date of receipt of a copy of this order. No order as to costs.

S.K. Naik
(S.K. Naik)
Member(A)

/gtv/