

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH
Original Application No.179 of 2003

New Delhi, this the 17th day of November, 2003

HON'BLE MR. KULDIP SINGH MEMBER (JUDGE)

Shri V.S. Bhatt
S/o Shri Bhagwan Singh
Retired TGT
GBS Secondary School No.2,
Sector-V Ambedkar Nagar,
New Delhi

R/o 322 Kumarwala Mohalla,
Badarpur
New Delhi-110 044.

Applicant

By Advocate: Shri K.N.R. Pillai.

Versus

Government of NCT of Delhi through

The Director of Education
Directorate of Education,
Old Secretariat,
Delhi-110 054.

Respondent

By Advocate: Shri George Parackal.

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judge)

The applicant had retired on superannuation in February, 2002. On superannuation he had become entitled for payment of retiral benefits such as leave encashment, DCRG, pension etc.

2 The applicant made efforts for the release of payment of the same but he was told that since he had been proceeded departmentally; and his suspension period was not decided under FR 54(B) so because of that it has taken sometime and ultimately, these payments have been released recently.

3 The learned counsel for the applicant submits

that there is no fault on the part of the applicant so he is entitled to interest and has also referred to judgments reported in 2000 (3) ATJ CAT page 278 as well as 2002 SCC (L&S) 278, i.e. Vijay L. Mehrotra Vs. State of U.P. and Others. The Hon'ble Supreme Court in the case of Vijay L. Mehrotra (Supra) had observed that all retirement benefits should be paid on the day of retirement or soon thereafter. If for some unforeseen circumstances the payments cannot be made on retirement day itself then there can be no reason or justification in this case for not making the payments in time and that is why the Hon'ble Supreme Court had allowed 18% interest till the date of actual payments.


4. The counsel for the applicant submitted that in this case also the applicant had not been released retirement benefits by the respondents on time but the payments have been released recently though the applicant had retired in February, 2002. The only reason given by the respondents for delay in release of payment is concerned it is stated that the applicant was suspended w.e.f. 22.5.1996 to 14.2.1997 and final order of punishment was passed sometime on 14.5.99 and it continued upto 1.11.2002 so it is because of this some delay has occurred.

5. I have considered these contentions raised by the respondents.



6 It has been said on many number of times through various judicial pronouncements as well as by the Department that whenever a person is to superannuate his papers for payments of retiral dues etc. are processed one year before his superannuation so in this case unfortunately though applicant had been promoted to resume duties when his suspension was revoked in 1997 but no order under FR 54 was passed because of the pendency of departmental proceedings but since the papers are required to be prepared one year before the retirement even then no order under FR 54 was passed. Even after the passing of the punishment order steps were not taken to prepare his papers for superannuation. Thus I find that the applicant is entitled to interest on delayed payments on release of retiral benefits.

7 Accordingly, the OA is disposed of with a direction to the respondents to pay 9% interest from the date the payments have become due till the same were actually paid. These directions may be implemented within a period of 2 months from the date of receipt of a copy of this order. No costs.


(KULDIP SINGH)
MEMBER (JUDGE)

/Rakesh