

## CENTRAL ADMINISTRATIVE TRIBUNAL

## CHENNAI BENCH

OA/310/00861/2017

**Dated , the day of December, 2019**

## PRESENT

**Hon'ble Mr. T. Jacob , Member(A)**

G. Karthikeyan,  
Formerly Private Secretary,  
Central Administrative Tribunal,  
Ahmedabad Bench,  
Ahmedabad.  
R/o F2, Navins Kaushik,  
14, Umapathy Street,  
West Mambalam, Chennai 600 033.

....Applicant

By Advocate M/s J. Lakshmi Narayanan

V<sub>S</sub>

The Union of India  
Rep by the Registrar,  
Central Administrative Tribunal,  
Ahmedabad Bench,  
(Opp to Sardar Patel Stadium),  
Navrangpura, Ahmedabad- 380009

## ....Respondents

By Advocate Mr. M. Kishore Kumar

**ORDER**

( Pronounced by Hon'ble Mr. T. Jacob, Member(A))

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"I. To call for the records relating to the impugned order of the Respondent issued in No.PF/GK/PS/CAT/A'BAD/10/683 dated 16.09.2016 and quash the same and direct the Respondent to sanction interest on the belated payment of retirement benefits to the applicant from 18.10.2010 to the actual date of payment of respective retirement benefits at the rate of 12% per annum and render justice."

2. The brief facts of the case as submitted by the applicant are as follows:-

The applicant was working as Private Secretary (Adhoc) and posted at Central Administrative Tribunal, Ahmedabad Bench under the administrative control of the respondent herein. The applicant made a request for voluntary retirement on 05.05.2010 and the same was accepted and he was relieved from his duties on 05.08.2010. Even though he was permitted to retire on voluntary retirement he was not paid his retirement benefits. When the applicant enquired the office of the respondent, he was informed that his retirement benefits and monthly pension will not be disbursed till the disposal of the I.A.No 13137/2010 in O.S. No.7015/2010 pending on the file of the V Assistant Judge, City Civil Court, Chennai. The plaintiff in the said suit impleaded the respondent herein as Garnishee in the said I.A.No. 13137/2010 only and not in capacity as one of the defendant in the above Original Suit. Therefore, the applicant submitted an Undertaking dated 03.08.2010 for recovery of certain dues from his pensionary benefits. However, the respondent had

not acted as per the said undertaking dated 03.08.2010 and had not disbursed the remaining retirement benefits. The applicant issued legal notice dated 30.09.2010 to the respondent to examine the legal provision and release the remaining benefits. The said legal notice was received by the respondent on 04.10.2010. However, no action was taken to release the un-attachable portion of his retirement benefits. Thereafter, the applicant filed his counter in the said I.A.No.13137/2010. On 18.10.2010 the said I.A.No.13137/2010 in O.S.No.7015/2010 was decided on merits and the Hon'ble V Assistant Judge, City Civil Court, Chennai dismissed the said I.A and, thereby, vacated the order of injunction restraining the respondent from releasing the attachable portion of the retirement benefits payable to the applicant. No appeal whatsoever had been preferred against the said order. The applicant issued another legal notice dated 07.02.2011 bringing to the notice of the respondent that in view of the vacation of injunction granted in I.A.No.13137/2010 on 18.10.2010, there was no legal obstacle whatsoever for the respondent to disburse the retirement benefits and sought for the same with due interest. Along with the said legal notice a copy of the order dated 18.10.2010 was also enclosed for perusal of the respondent. Even thereafter, no action was taken to disburse the retirement benefits payable to the applicant.

3. The respondent resubmitted the pension by proceedings dated 06.05.2011 for authorization. In the said order, Suit claim of Rs.5,80,000/- in O.S.No.7015/2010 pending on the file of the Hon'ble V Assistant Judge, City Civil Court, Chennai was sought to be withheld from the Commutation of Pension and Gratuity. Therefore, the

respondent sought for authorisation of Provisional pension in the light of the Rule No.69(b) of CCS (Pension) Rules, 1972, subject to the pension sanctioning authority. On receipt of the above said order authorisation was issued dated 30.05.2011 authorising provisional pension to the applicant under Rule 69(b) of CCS (Pension) Rules, 1972 till final outcome of the case. The applicant in the meanwhile submitted a revised Undertaking dated 24.05.2011 withdrawing his earlier Undertaking dated 03.08.2010 in view of the order passed in I.A.No.13137/2010 in O.S.No.7015/2010 vacating the interim injunction. Therefore, the applicant came out with the above said revised Undertaking dated 24.05.2011. By the said Undertaking dated 24.05.2011 the applicant authorized the Respondent to make certain recoveries from his retirement benefits. The applicant aggrieved by the order of the respondent dated 06.05.2011, approached this Tribunal and filed OA.1168/2011. During pendency of the said OA, the respondent by order dated 07.08.2012 remitted a sum of Rs.24,194/- recovered from the pay fixation arrears of the applicant to the Punjab National Bank due as against his authorization of Rs.19,849/-. Thereafter the said OA was dismissed on 17.10.2012. Against the said dismissal order, the applicant preferred a Writ Petition No.26638/2013 before the Hon'ble High Court, Madras.

4. In the above Suit a compromise was arrived on 02.01.2014. However, in view of difference of opinion arose between the parties regarding litigation expenses, the matter was referred to Lok Adalat. Pursuant to the Lok Adalat Award dated 05.02.2014, the Suit was withdrawn by the said finance company. Taking note of the settlement arrived at in the Lok Adalat, the Hon'ble V Assistant Judge, City Civil

Court, Chennai on 05.03.2014 granted Judgement and Decree stating that the Suit is settled before Lok Adalat. Therefore, the Applicant submitted a representation to the Respondent on 02.05.2014 enclosing the certified copies of Joint Compromise Memo, Lok Adalat Award, Decree & Judgement seeking for disbursement of his retirement benefits. On receipt of the same, the Respondent addressed a communication dated 03.06.2014 to the Deputy Registrar of CAT, Chennai Bench to verify the authenticity of the original order dated 05.03.2014 passed by the V Assistant Judge, City Civil Court, Chennai. The applicant submitted another representation dated 08.07.2014 seeking disbursement of his retirement benefits. However, his retirement benefits were not disbursed to him. Again the respondent addressed a communication dated 22.07.2014 to the Deputy Registrar of CAT, Chennai Bench to verify the authenticity of the original order dated 05.03.2014 passed by the V Assistant Judge, City Civil Court, Chennai. Meanwhile the applicant moved the Hon'ble High Court of Madras by filing a Writ Petition and the said Writ Petition was disposed of by a Division Bench on 08.01.2015 directing the respondent herein to consider the representations of the applicant dated 02.05.2014 and 08.07.2014 and pass appropriate orders in accordance with law within a period of three months from the date of receipt of a copy of the said order. By proceedings of the respondent dated 30.04.2015 pension proposals were sent for authorization. In the said communication dated 30.04.2015, it was specifically stated that the settlement of pension was kept pending as they had to verify the copies of the order of City Civil Court, Chennai sent by the applicant and the verification was done on 23.05.2015. It

was further stated in the said proceedings dated 30.04.2015 that the amounts shown in the applicant's Undertaking dated 24.05.2011 has undergone change by way of increase in interest due to lapse of time. If at all the respondent had acted upon the said Undertaking in the year 2011 itself and disbursed to the concerned parties, the applicant would not have incurred a loss of a huge sum of Rs.1,26,785/-. Thereafter, the applicant was disbursed with his retirement benefits on 03.06.2015, 04.06.2015 & 05.06.2015 respectively. The applicant submitted a representation to the respondent on 27.06.2016 requesting him to sanction interest on the belated payment of his respective retirement benefits from 18.10.2010 till the date of actual payment at the rate of 12% per annum. The said request was rejected by the respondent in impugned order dated 16.09.2016. Being aggrieved, the applicant has filed this OA seeking the above reliefs, inter alia, on the following grounds:-

- (i) The First reason assigned by the respondent for denying the interest is that the Applicant had given an undertaking dated 03.08.2010 for withholding of certain amount from his pensionary benefits. It is pertinent to mention here that the Undertaking was given by the Applicant on 03.08.2010 i.e two days prior to the date of his voluntary retirement and at that point of time, injunction in I.A.No.103137/2010 in O.S.N0.7015/2010 filed by Silver Touch Finance & Investments, Chennai was in force and the department in the capacity as Garnishee was restrained from releasing the attachable portion of the retirement benefits. However, the said prohibitory order got vacated on 18.10.2010. Therefore, the Applicant gave another undertaking on 24.05.2011 requesting the Department to recover balance amount due to the Central Government Staff Co-operative Thrift & Credit Society Ltd, Chennai and two loans payable to the Indian Overseas Bank, Chennai and Punjab National Bank, Chennai. The

above said undertaking dated 24.05.2011 alone was acted upon. Therefore the reliance placed on the said undertaking dated 03.08.2010 alone is misconceived and, therefore, the impugned order is liable to be set aside.

(ii) Even a written undertaking in the promissory note itself that one would pay back the amount due under the promissory note from and out of his retirement benefits and hence the injunction should be granted from disbursing the retirement benefits is to be negatived in terms of the decision of this Hon'ble Court. in Lakshmi Narayanan vs A. Veeraraghavalu and another reported in (1990) 1 MLJ 138.

(iii) The second reason assigned by the Respondent for denial of interest is that the pendency of litigations before the Courts. By wrong appreciation of legal position by the Respondent the applicant was compelled to approach the Court for getting his appropriate remedy. In this regard it is pertinent to refer here the judgement of the Hon'ble High Court, Madras in the case of Sathiyabama & others vs. M.Palanisamy & others reported in 2004 1 L.W.125.

(iv) The action of the respondent in withholding the retirement benefits contrary to the judicial pronouncements is untenable in law and therefore the applicant is entitled for the relief prayed for in the present OA.

(v) In view of the judicial pronouncements made by the Hon'ble Supreme Court in the case of State Of Kerala and others Vs. M.Padnanabhan Nair reported in 1985 1 SCC 429 and R.Kapur vs. Director of Inspection reported in 1994 6 SCC 589, the applicant is entitled to interest on the retirement benefits and therefore the impugned order containing vexatious contentions is liable to be set aside.

vi) Immediately after the vacation of the interim order the applicant issued two legal notices dated 30.09.2010 and 07.02.2011 bringing to the notice of the respondent that in view of the vacation of Injunction granted in I.A.No.13137/2010 on 18.10.2010 there was no legal obstacle whatsoever for the respondent to disburse the retirement benefits and sought for the same with

due interest. The Respondent being the responsible officer dealing with legal background in all fairness ought to have examined the legal position by seeking legal opinion from the concerned authorities and disbursed the retirement benefits immediately.

vii) In fact arbitrary exercise of powers by the Respondent can be clearly visualized through the following actions:-

- i) Though the applicant retired on 05.08.2010 his provisional pension was not paid for a period of 10 months. Provisional pension was sanctioned vide sanction order dated 16.06.2011 for the period from 05.08.2010 to 31.05.2011 thereby frustrating the object of sanctioning the provisional pension.
- ii) The applicant submitted an undertaking dated 24.05.2011 to recover certain dues from his retirement benefits and disburse him the remaining retirement benefits. However the same was not acted upon till 30.04.2015. In view of the belated settlement of the said dues the applicant was put to huge monetary loss of 1,26,785/-.
- viii) A person cannot be deprived of his pension without the authority of law which is the constitutional mandate enshrined in Article 300A of the Constitution of India.
- ix) Inspite of the vacation of prohibitory order the action of the respondent in seeking for withholding of gratuity is unfounded in law entitling the Applicant to succeed in the present O.A.
- x) Normally withholding of gratuity and granting of provisional pension takes place only when some disciplinary proceedings or judicial (Criminal)proceedings are pending against the official retiring and the same had happened in due discharge of official duties. On perusal of records and materials placed before this Tribunal it can be clearly ascertained that the action of the respondent is absolutely arbitrary and contrary to the provisions of the CCS (Pension) Rules in withholding the gratuity to the applicant. Therefore

the impugned order is liable to set aside and the Applicant is entitled for interest on the belated payment of his retirement benefits.

xi) In the present case the withholding was done on clear misinterpretation of legal position not satisfying the legal pedigree prescribed under the CCS (Pension) Rules thus depriving the applicant of his Pension and Gratuity without any authority of law.

xii) Clarification regarding payment of pensionary benefits to a retiree against whom personal court case (other than Department) is pending in the Competent court is issued by the department of Pension & Pensioners' Welfare vide I.D.No.17729/03-P&PW(F) dated 10-3-2003. In the said clarification unequivocally it was advised that the term 'judicial proceedings' mentioned in Rule 69 of CCS (Pension Rules) 1972 is relating to judicial proceedings initiated against a Government Servant in his official capacity by the Government authorities. The judicial proceedings initiated against the Government servant by a private person/agency will not come under the ambit of this rule. Hence there is no objection in releasing DCRG and final pension to those Govt. servants against whom judicial proceedings have been initiated by private parties.

xiii) The employee's right to pension is a statutory right. The measure of deprivation therefore, must be correlative to or commensurate with the gravity of the grave misconduct or irregularity. In the present case, there was no reason or ground for withholding the pension or gratuity as the applicant was neither facing any disciplinary proceedings pertaining to pecuniary loss caused to the Department nor any such misconduct was proved against him.

xiv) It is the third contention of the Respondent in the impugned order that neither the CAT, Madras Bench nor Hon'ble High Court of Madras has ordered for any interest on pensionary benefits. The said contention is unsound in law. It is pertinent to mention here that in the Writ Petition challenging this Tribunal's Order in O.A.No.1168/2011, no decision was rendered on the legal

grounds raised in the said writ petition. The Hon'ble High Court without going through the merits of the case merely directed the respondent to consider the representations of the Applicant dated 02.05.2014 and 08.07.2014 and pass appropriate orders in accordance with law within a period of three months from the date of receipt of a copy of the said order.

5. Per contra, the respondent in his reply statement has stated that the applicant had availed loan from various sources during his service period and had given an undertaking dated 03.08.2010 to recover the dues from his retirement benefits before his voluntary retirement.. The Silver Touch Finance & Investment had filed IA.13137/2010 in OS.No.7015.2010 against the applicant before V Assistant Judge in City Civil Court, Chennai and obtained an interim injunction dated 22.07.2010 restraining the DDO, CAT, Ahmedabad from disbursing the retirement benefits. However, vide order dated 18.10.2010 the said IA and interim injunction stood vacated and OS alone was pending. The applicant sent revised undertaking dated 24.05.2011 to recover the dues from his pensionary benefits which was not accepted by the respondent due to pendency of the OS before the City Civil Court. After voluntary retirement of the applicant the pension papers were sent to PAO, CAT, New Delhi on 06.10.2010 with a request to deduct the Government dues/personal indebtedness from the retirement dues. However, the pension papers were returned back citing certain discrepancies in the leave account and service book remarks regarding the period during which he was working in his parent department. After solving the discrepancies and granting him first financial upgradation w.e.f. 21.03.2011 papers were resent to PAO CAT, New Delhi whereafter provisional

pension of Rs.10605 + Relief on provisional pension was authorised vide letter dated 30.05.2011.. The applicant filed OA.1168/2011 against withholding of Rs.5,80,000/- from his retirement benefits wherein this Tribunal dismissed the OA on 17.10.2012 on the ground that the applicant had been granted provisional pension + dearness relief on provisional pension on the basis of the undertaking given by him and he cannot get his Gratuity, leave encashment and other retiral benefits as prayed for by him in the OA since OS.7015/2010 filed by M/s. Silver Touch Finance & Investments was pending at that time. Challenging the above order, the applicant filed WP.26638/2013 before the High Court of Madras due to which there was a delay in disbursement of retirement benefits. Neither this Tribunal nor the Madras High Court had passed any order to pay interest on pensionary benefits although both petitions were filed for release for entire retirement benefits with due interest. Hence the respondent prays for dismissal of the OA.

6. Heard the learned counsel for the respective parties and perused the pleadings and documents on record.

7. Admittedly the applicant had availed loans from different sources while working as Court Master/Stenographer Grade 'C' in the Madras Bench of the Central Administrative Tribunal, Chennai. He was promoted as Private Secretary on adhoc basis and was posted at Ahmedabad Bench w.e.f.. 15.12.2009. He had requested to permit him to go on voluntary retirement which was accepted by the competent authority and he was accordingly relieved of his duties on 05.08.2010. Even before tendering his voluntary retirement on 03.08.2010, he had given an undertaking to the

respondent to recover the following dues from his pensionary benefits:-

1. The Central Government Staff Cooperative Thrift & Credit Society Ltd. Chennai amounting to Rs.2,38,250 minus Rs.30,722/- already adjusted from arrears of pay and allowances ie. balance due amounting to Rs.2,07,528/-.
2. Outstanding salary loan of Rs.45,930/- from Indian Overseas Bank;
3. Overdraft overdue of Punjab National Bank amounting to Rs.19,849/-.
4. M/s Silver Touch Finance & Investments, Chennai the actual amount to be recovered will be known after settlement on 06.08.2010 which will be intimated later.

While so, M/s Silver Touch Finance & Investment with whom the applicant had availed loan had filed I.A.13137/2010 in O.S.7015/2010 before the V Assistant Judge, City Civil Court, Chennai to restrain the Garnishee (Respondent) from releasing the attachable portion of the retiral benefits payable to them upon retirement of the applicant from service till disposal of the Suit and obtained an interim injunction dated 22.07.2010 restraining the respondent from disbursing the retirement benefits. However, subsequently by order dated 18.10.2010 the said IA was dismissed and the interim injunction was vacated. Since the O.S. was pending, the applicant sent revised/fresh Undertaking dated 24.05.2011 to recover the dues from his pensionary benefits which was not accepted by the respondent. After voluntary retirement, pension papers of the applicant were sent to PAO, CAT, New Delhi for deduction of Government dues / personal indebtedness from his retirement benefits whereupon by letter dated 30.05.2011 a Provisional Pension of Rs.10605 + Relief on Provisional Pension was authorised. However, aggrieved by the withdrawal of

Rs.5,80,000 from his retirement benefits, the applicant filed OA.1168/2011 wherein this Tribunal by order dted 17.10.2012 dismissed the said OA with the observation that the applicant has been granted provisional pension + dearness relief on provisional pension. Based on the Undertaking given by him the applicant cannot get his Gratuity, leave encashment and other retiral benefits as prayed for by him in the OA since the OS.7015/2010 filed by M/s Silver Touch Finance & Investment before the City Civil Court. Chennai was pending at that time. Against the order of this Tribunal the applicant filed WP.26638/2013 before the Hon'ble High Court of Madras seeking direction to the respondents to release the entire retirement benefits including sanction of regular pension. The said WP was disposed of by order dated 08.01.2015 with a direction to the Central Administrative Tribunal, Ahmedabad Bench to consider the representations of the applicant dated 02.05.2014 and 08.07.2014 and pass appropriate orders in accordance with law. Pursuant to the said order, the CAT Ahmedabad Bench sent revised pension papers to the PAO, CAT, New Delhi by letter dated 30.04.2015 for finalization of pension. Thereafter the applicant was disbursed with the retirement benefits on 03.06.2015, 04.06.2015 and -05.06.2015. respectively.

8. The contention of the applicant is that there is a delay in disbursement of his retirement benefits for which he is entitled to interest @ 12% p.a. from 18.10.2010.

9. The points for consideration in this OA are:

- i. Whether there is delay in settlement of retirement dues to the applicant and if so,
- ii, Whether he is entitled to interest for the delay in payment of retirement dues and to what extent.

10. It is the case of the applicant that the term "judicial proceedings" mentioned in Rule 69 of CCS (Pension) Rules, 1972 relates to judicial proceedings initiated against a Government servant in his official capacity by the Government authorities. In the instant case, judicial proceedings have been initiated against the applicant by a private person/agency which will not come under the ambit of this rule. Hence there is no objection in releasing DCRG and final pension to those Government servants against whom judicial proceedings have been initiated by private parties. The Department of Legal Affairs vide their U.O. No.10412/03 dated 18.03.2003 have concurred with the above views of the Department of Pension & Pensioners' Welfare. In view of the said clarifications, there is no legal impediment in releasing the entire retirement benefits of the applicant after vacating of the interim order on 18.10.2010. Further when the respondent has been only in the capacity of a Garnishee in the I.A., after vacation of the prohibitory order, the respondent has no role to play. The act of the respondent in withholding the retirement benefits of the applicant to safeguard the interests of the private parties is without any legal basis. Further the applicant had filed cases before different forums seeking release of his retiral benefits and had the retiral benefits been disbursed to him at the relevant point of time by the respondent, the applicant would not have had to apporoch the judicial forums.

11. The applicant has relied upon various decisions of the Hon'ble Apex Court and High Court in support of his case:

In the case of Lakshmi Narayanan vs, A. Veeraraghavalu and another reported in 1990 (10 MLJ 138 it was held as follows:-

"Section 60(1A) of CPC specifically states as follows: Notwithstanding anything contained in any other law for the time being in force, an agreement by which a person agrees to waive the benefit of any exemption under this section shall be void. So, the undertaking given according to this Sub-section (1A) will have no effect in considering whether attachment of the said retirement benefit could be made."

Therefore, the reliance placed upon by the respondent on the Undertaking given by the applicant on 03.08.2010 is clearly contrary to the above said legal position.

12. The Hon'ble High Court of Madras in the case of Sathiyabama & others vs. M. Palanisamy & Others reported in 2004 1 L.W.125 has held at para 4 as follows:-

"It is therefore clear that these amounts which are payable to employees, so that they would not be left resourceless at the time of retirement are exempted for attachment, whether they are payable to the employees or to his legal representatives. The various decisions referred to above also indicate that whether the employee has retired, or has become insolvent or has died, the character of these amounts do not change so long as they are in the hands of the employer. The immunity from attachment is complete., The object of the provisions are to see that the employee gets these amounts after his retirement or his heirs get them after the employee's 'death' since the scheme is a beneficial one, the authority viz., the employer is a trustee for those sums and it bound to object to the attachment".

In the case of State of Kerala and others vs. M. Padmanabhan Nair reported in 1985 1 SCC 429 the Hon'ble Apex Court held as follows:-

Pension and Gratuity are no longer any bounty to be distributed by the Government to its employees on their retirement but have become, under the decisions of this Court, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment.

In the case of General Manager, BSNL, Seerangapalayam, Salem and others vs, A, Arunachalam and others in Writ Petition No.24299 of 2015 decided on 30.10.2015, the Hon'ble High Court of Madras on appeal against the Judgement of this Tribunal dealt with a similar case in similar circumstances observed at para 22 as follows:-

"Even taking in for granted that the suit in O.S. No.11 of 2010 instituted by the wife of the Ist respondent, against the writ petitioners and her husband, Ist respondent herein, as one falling under the definition "judicial proceedings, in common parlance when the said proceedings are considered, with reference to what is specifically stated in rule 9(1) of the CCS (Pension) Rules, in our considered view, they do not fall within the ambit of Rule 9(1) of CCS (Pension) Rules , enabling the authorities to exercise their powers, under rule 9(1) or 9(4) of the Rules, as the case may be. However, there could be an order against a garnishee, if a third party invokes the jurisdiction under Section 9 of the Code of Civil Proceedings, subject to the other provisions of the case. But from the material on record, it could be deduced that there is no interim order restraining the writ petitioners from disbursing the retiral benefits to the Ist respondent. There is no order, restraining the Ist respondent from receiving the pension, It is not known, as to when, the civil proceedings would terminate. It is well known that an appeal is continuation of the original proceedings. Already four years have lapsed, since retirement."

In the instant case also, the retirement benefits of the applicant have been similarly withheld without any legal impediments for a period of five years. The applicant has given an Undertaking on 03.08.2010 ie., two days prior to the date of his voluntary retirement and at the relevant point of time the injunction granted in IA.No.103137/2010 in O.S.No.7015/2010 filed by M/s Silver Touch Finance & Investments, was in force and the respondent in the capacity of Garnishee was restrained from releasing the attachable portion of the retiral benefits. The said prohibitory order got vacated on 18.10.2010. .

13. Regarding delayed payment of pension and payment of interest, the Hon'ble Supreme Court held in Union of India V. Justice S.S.Sandhawalia, reported in (1994) 2 SCC 240 as follows:-

"Once it is established that an amount legally due to a party was not paid to it, the party responsible for withholding the same must pay interest at a rate considered reasonable by the Court."

14. In the conspectus of the above facts and circumstances of the case and the decisions of the Hon'ble Apex Court and High Court of Madras (supra), I am of the view that the respondent has erred in delaying disbursement of retiral dues to the applicant in time particularly after obtaining an Undertaking from the applicant even before submission of Voluntary retirement. Hence the applicant has made out a case for grant of interest on the belated payment of retiral dues to him. The respondent is directed to pay interest at the bank rate (simple interest) for the fixed deposit at the relevant point of time for the belated payment of retiral dues from the date of vacation of interim injunction by the Civil City Court till the date of actual payment within a period of three months from the date of receipt of a copy of this order.

15. The issues raised above are answered accordingly. The OA is allowed in the above terms. No costs.

/kam.

(T.Jacob)  
Member(A)  
-12-2019