

(2018) 01 CAT CK 0068
In the Central Administrative Tribunal
Case No : Original Application No. 293 Of 2017

Harish Chandra Lakhchaurea

APPELLANT

Vs

Commissioner (North DMC) And Others

RESPONDENT

Date of Decision : 08-01-2018

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19
Central Civil Services (Pension) Rules, 1972 — Rule 68(1)

Citation : (2018) 01 CAT CK 0068

Hon'ble Judges : Raj Vir Sharma, Member (J)

Bench : Single Bench

Advocate : J.S. Mann, Amit Sinha

Final Decision : Partly Allowed

Judgement

Raj Vir Sharma, J

1. The applicant has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:

"a) To direct the respondents to release forthwith remaining amount retirement benefits including pension; and /or

b) To direct the respondents to grant interest @ 18% in respect of all delayed payments of retirement benefits including pension as per details furnished in AnnexureA-1;

c) Any other relief or direction which this Hon'ble Tribunal deems fit and proper in view of the facts and circumstances of the case may be granted/passed in favour of the applicant and against the respondents."

2. It is the case of the applicant that he retired from service as Pharmacist on 31.8.2015 on attaining the age of superannuation. As per rules, pension and retirement benefits ought to have been released by the respondents to him soon after the date of his retirement. But the respondents released his pension,

gratuity, and CVP after a delay of 9 months, GPF with interest up to January 2016 after a delay of about 4 months and 15 days, and leave encashment amount after a delay of one month and 20 days from the date of his retirement without any interest thereon for the period of delay. It is also the case of the applicant that the remaining retirement benefits are yet to be released by the respondents in his favour.

3. Resisting the O.A., the respondents have filed a counter reply, wherein it has been asserted that the retirement benefits of the applicant have already been released to the applicant and no dues of the applicant are pending with them. It has also been asserted that certain formalities, such as, No Dues Certificate, completion of service records, approval for release of payments from the competent authority, and issue of pension payment order, etc, were required to be completed for processing payment of the retirement dues to the applicant. It has also been asserted by the respondents there was no willful or inordinate delay in releasing the retirement benefits in favour of the applicant. Therefore, the claim made by the applicant in the O.A. is baseless.

4. No rejoinder reply has been filed by the applicant refuting the stand taken by the respondents.

5. I have carefully perused the pleadings of the parties and have heard Mr.J.S.Mann, learned counsel appearing for the applicant, and Mr.Amit Sinha for Mr.R.N.Singh, learned counsel appearing for the respondents.

6. As per rules, the respondents ought to have completed all the required formalities by the date of retirement of the applicant on attaining the age of superannuation and released pension and other retirement benefits to the applicant soon after the date of his retirement. Under the rules, gratuity becomes due immediately on retirement of the employee. Rule 68(1) of the CCS (Pension) Rules stipulates that in all cases where the payment of gratuity has been authorized later than the date when its payment becomes due, including the cases of retirement otherwise than on superannuation, and it is clearly established that the delay in payment was attributable to administrative reasons or lapses, interest shall be paid at the rate applicable to General Provident Fund amount. In Government of India, Department of Pension & Pensioners' Welfare, O.M.No.F.71/1/93-P.&P.W.(F) dated 25.8.1994, it has been laid down that where the payment of gratuity has been delayed beyond three months from the date of retirement, an interest at the rate applicable to GPF deposits will be paid to the retired Government servants. Considering the facts and circumstances of the case and the period of delay in the release of retirement benefits to the applicant, I am of the view that the applicant is entitled to interest at GPF rate on the gratuity and commuted value of pension for the period from 1.9.2015, i.e., the date following the date of his retirement on superannuation, till the date of actual payment thereof. Accordingly, the respondents are directed to make payment of interest at GPF rate on the gratuity amount and commuted value of pension for the period from 1.9.2015 till the date of actual payment thereof

within a period of three months from today.

7. Resultantly, the O.A. is partly allowed to the extent indicated above. No costs.