THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.23427 of 2016

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The State preferred this writ petition aggrieved by the order dated 03.08.2015 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.9350 of 2013, which was filed by the first respondent herein seeking a declaration that he was entitled to interest
@ 18% per annum on the delayed payment of Rs.19,47,123/- towards his pensionary benefits and for additional compensation.

By the order under challenge, the Tribunal directed payment of interest @ 9% per annum to the first respondent on the late payment of his retirement benefits with effect from 01.11.2012.

It is an admitted fact that the first respondent retired from service on 31.07.2012. The disciplinary proceedings initiated against him were quashed in June, 2012, when O.A.No.1556 of 2012 filed by him was allowed by the Tribunal setting aside the charge memo dated 21.12.2000. This order was passed on 18.06.2012 and attained finality. The first respondent however seems to have submitted his pension papers only in January, 2013. Thereupon, the pensionary benefits were released to him only in November, 2013.

The Tribunal seems to have been of the opinion that as the period of three months from the date of retirement of the first respondent concluded in November, 2012, he was entitled to interest from the said date. However, perusal of the original application filed by the first respondent in O.A.No.9350 of 2013 reflects that he himself sought interest on the delayed payment from January, 2013. Learned Government Pleader for Services would also point out that the pension papers were submitted on 24.01.2013 and therefore, interest payable to the first respondent, if at all, could only be with effect from February, 2013.

We are inclined to accept the submissions of the learned Government Pleader. The Tribunal erred in granting interest from a date anterior to that stipulated by the first respondent himself. As the first respondent seems to have submitted his pension papers only towards the end of January, 2013, and as the State ought to have been aware of the fact that the first respondent's pensionary benefits would have to be released keeping in mind his retirement as long back as in July, 2012, it cannot seek extra time to process the same citing the presentation of the pension papers as the reason. The State can claim only a reasonable length of time for processing pension papers and cannot take recourse to its usual bureaucratic red-tape in such matters. We therefore limit the entitlement of the first respondent to interest on the delayed payment of his pensionary benefits from 1^{st} February, 2013, up to the date of actual payment in November, 2013. The order under challenge shall stand modified to this extent.

The writ petition is accordingly disposed of. The State shall compute the interest payable as per the above direction and remit the same within four weeks from today.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

Date:22.07.2016
GJ