

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2613 of 2002

New Delhi, this the 18th day of March, 2003

HON'BLE MR. KULDIP SINGH, MEMBER(JUDL)

P.R.S. Brar, IPS (Retired)
R/o 77, Western Avenue,
Satnik Farms,
New Delhi-110 062.

-APPLICANT

(By Advocate: Applicant in person)

Versus

Union of India
Through Secretary to
Government of India,
Ministry of Home Affairs,
New Delhi.

-RESPONDENTS

(By Advocate: Ms. Jyoti Singh)

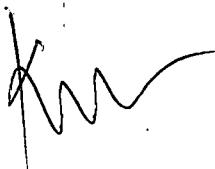
ORDER (ORAL)

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

The applicant has a grievance that his retiral benefits has not been paid to him in time so he has filed the present OA claiming the retiral benefits along with interest.

2. The applicant who was working in the Indian Police Service (AGMUT Cadre) had sought voluntary retirement from the service. His request for voluntary retirement was accepted by the Ministry of Home Affairs, Government of India w.e.f. 18.5.99. The applicant alleges that he has not been paid his retiral benefits despite repeated reminders.

3. It is further submitted that the retiral benefits has been withheld by the respondents illegally, arbitrarily and with mala fide intentions and without any reason so the applicant prays for release of pension and



(2)

other retiral benefits along with interest at the rate of 24% per annum.

4. Respondents are contesting the OA. The respondents pleaded that the applicant at the time of his retirement was under orders of transfer to Arunachal Pradesh was not borne on the establishment of the Joint AGMUT Cadre of IPS. However, the respondents vide their letter dated 17.6.99 advised the Government of NCT of Delhi to process the case for payment of pension and other retiral benefits in respect of the applicant. Again on receipt of the representation of the applicant dated 17.10.2000, the respondents learnt that his retirement benefits has not still been released so the respondents had been repeatedly impressing upon the Government of NCT of Delhi to release his retiral benefits etc.

5. It is further submitted that on 16.1.2003 a cheque for an amount of Rs.3,40,000/- on account of Death-cum -Retirement Gratuity was sent to him at his address but applicant refused to accept the same on the ground that the matter is pending before this Tribunal.

6. Rejoinder to this was also filed wherein the pleas taken in the petition were reiterated.

7. The learned counsel appearing for the respondents submitted that since before the order of

JK

(3)

transfer of applicant to Arunachal Pradesh, he was under the establishment of Delhi Police and it was the NCT of Delhi who was to release the retiral benefits and the respondents has been writing letters to Delhi Police on receipt of the representation from the applicant for release of retiral benefits to the applicant and thus in a way the respondents had been helping applicant for release of retiral benefits so much so that the respondents had issued vigilance clearance report also as such if there is delay, it is on the part of Government of NCT of Delhi and the Government of NCT of Delhi should also have been made a party so that they should have been called upon to explain the delay in the release of retiral benefits and it is the Government of NCT of Delhi who have to borne that interest, if at all any interest is to be paid.

8. In reply to this, applicant, who argued in person, submitted that the cadre controlling authority of IPS (AGMUT) is Ministry of Home Affairs and particularly the officers of UT cadre are being looked by the Ministry of Home Affairs. He further submitted that his request for voluntary retirement had been accepted by the Ministry of Home Affairs and it the Ministry of Home Affairs who has a liability to make payment of retiral benefits and since there is delay on the part of the respondents so respondents should be burdened with the liability of payment of retiral benefits as well as the interest thereon.

/A.M

(V)
~~SECRET~~

9. The facts that the applicant belongs to the AGMUT cadre of Delhi Police is not denied. It is also not denied that this AGMUT cadre is being controlled by the Ministry of Home Affairs. The request of the applicant for voluntary retirement has also been accepted by the Ministry of Home Affairs so it is not open to the respondents to argue that it was Delhi Government who was to release retiral benefits. It may be an inter departmental arrangement between the Ministry of Home Affairs and Delhi Government but the fact remains that the cadre controlling authority and the power to accept voluntary retirement vested within the Ministry of Home Affairs, so it is the Ministry of Home Affairs who is liable to make payment of his retiral benefits in due course of time. Hence, I have no hesitation to hold that it is the Ministry of Home Affairs who is liable for delay in release of retiral benefits to the applicant.

10. Accordingly, the OA is allowed and I hold that the respondents are liable to pay interest to the applicant from the date it fell due to the applicant.

11. I may further add that the applicant has claimed interest at the rate of 24% since market rate of interest has been reduced by the RBI so I allow 9% interest on all the payments. However, the interest on gratuity shall be calculated only upto the date when the cheque was sent to the applicant. All the payments may be released within a period of 2 months from the date of

JKM

receipt of a copy of this order. If the payments are not released within a period of 2 months from the date of receipt of a copy of this order, thereafter applicant will be entitled to interest at the rate of 12%.

12. The OA is disposed of with the above directions. No costs.


(KULDIP SINGH)
MEMBER (J)

/Rakesh