



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI**

O.A. No. 4580/2018

this the 13th day of March, 2020

Hon'ble Ms. Aradhana Johri, Member (A)

Shri Sushil Kumar Tyagi, Aged around 58 years
Group 'C'
Retired Head Clerk/Asstt. Section Officer
S/o late Shri S L Tyagi
R/o F-385, Gali No. 6 Wazirabad Village,
Delhi-110084

Last Posting at office of

Office of Block Development Officer (South),
Office complex of Dy. Commissioner (South)
Govt. of NCT of Delhi
M.B. Road, Saket,
New Delhi-110068Applicant

(By Advocate: Mr Bharat Chadha)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary,
Delhi Secretariat, Players Building
I.P. Estate, Delhi-110054
2. The Divisional Commissioner/
Principal Secretary (Revenue)
Govt. of NCT of Delhi
5, Shamnath Marg,
Delhi-110054
3. The Director (Panchayat)
I-Kirpa Narain Marg,
Delhi-110054
4. Block Development Officer (South),
Office Complex of DC (South)
M.B. Road, Saket,
New Delhi-110068
5. Member Secretary



Delhi Dialogue Commission
Govt. of NCT of Delhi,
33, Shambhav Marg,
Delhi-110054

6. Dy. Commissioner (South)
Govt. of NCT of Delhi,
M.B. Road, Saket,
New Delhi-110068

7. Lt. Governor of Delhi
Govt. of NCT of Delhi
Rajniwas, Delhi-110054

....Respondents

(By Advocate: Mr Swetank Shantanu with Ms Monalisha Harsh)

O R D E R (O R A L)

Ms. Aradhana Johri, Member (A):-

Mr Bharat Chadha, learned counsel appears for the applicant. Mr Swetank Shantanu and Ms Monalisha Harsh, learned counsels appear for the respondents.

2. The applicant was Assistant Section Officer (ASO) in the office of Respondent no. 4. He was imposed penalty of compulsory retirement under rule 14 (major penalty) of the CCS (CCA) Rules, 1965 by the Divisional Commissioner-cum-Secretary (Revenue)/Disciplinary Authority vide order no. F.8/PF/Dir.(p)/HC/4232-4241 dated 11.12.2017 (Annexure-1). This OA has been filed for release of pension, leave encashment, gratuity and other retirement benefits to the applicant. Applicant has also prayed for issue of CGHS card and pensioner identity card. During the course of the OA, Rs.

5,59,755/- has been released as GPF to the applicant.



However, other dues have not been released. It has been stated by the respondents in Para 4.8 of the counter that the matter is pending the decision of the higher authority regarding the period of unauthorised absence/suspension period of the applicant. The status of this matter appears to be the same because even today the learned counsel for the respondents has stated that this matter is still under-consideration on the same account. The applicant has drawn attention to Annexure A37 (Colly) which is information obtained through RTI. This annexure is a page of the service book, which carries the following remark:-

“The Disciplinary Authority/Divisional Commissioner has approved full pension and other retirement benefits to Sh. Tyagi U/ Rule 40 of CCS (Pension) Rule.”

3. It is clear from the above that full pension and other retirement benefits have already been approved but they have not been released since the authorities are yet to take a decision regarding the treatment of unauthorised absence and suspension. More than 2 years have passed, since the compulsory retirement of the applicant took place on 11.12.2017. Any retired employee would naturally suffer financial hardships if his legitimate pensionary dues are not released.



4. Respondents are directed to take a decision as per rules and law and pass a speaking order within a period of 2 months from receipt of a certified copy of this order. All dues which are found to be payable to the applicant should be paid within a period of two weeks thereafter. No order as to costs.

(Aradhana Johri)

Member (A)

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