

Central Administrative Tribunal: Principal Bench

O.A. No.2499/2001

New Delhi this the 23rd day of April, 2002

Hon'ble Mr. V.K. Majotra, Member (A)

Shri Rajender Pal Behl
S/o Shri G.R. Behl
48A, AD Block, Shalimar Bagh,
New Delhi.

-Applicant

(None present)

Versus

1. QMG
Army Hqrs., DHQ, PO
New Delhi.
2. The D.D. GMF,
Army Hq. QMG Branch,
West Block III, R.K. Puram
New Delhi.
3. DMF
HQ. Southern Command
Kirkee, PUNE-3(Maharashtra)
4. Officer Incharge,
Military Farms Records
Delhi Cantt.
5. Officer Incharge
Military Farm
PIMPRI, PUNE-17.


-Respondents

(By Advocate: Shri Rajeev Bansal)

ORDER (Oral)

As the applicant was not present even on the last date of hearing I have proceeded to dispose of this OA in terms of Rule-15 of CAT (Procedure) Rules, 1987 after considering the respective pleadings of the parties, hearing the learned counsel of the respondents and considering the material on record.

2. Applicant has challenged action of the respondents whereby he has been denied retiral benefits such as Pension, General Provident Fund, Leave



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Encashment, Permanent Move Claim, Pay and Allowances from 9.5.97 to 16.5.97. He has sought direction to release all his retiral benefits and other dues along with interest @ 24% per annum w.e.f. 20.1.99 when his request for voluntary retirement was approved and communicated to him.

3. Briefly stated the facts of this case are that applicant was working as Assistant Supervisor at Military Farm, Rajouri. He was transferred therefrom and relieved on 1.6.1989. However, he remained absent from duty till 8.5.1997. He reported for duty on 9.5.1997 and was taken back on duty the same day. He submitted an application for grant of extraordinary Leave for the period of his absence i.e. from 1.6.1989 to 24.4.1997 and joining period from 25.4.1997 to 8.5.1997. Subsequently, he submitted an application for voluntary retirement on 10.5.97 and left Farm from 17.5.97.

4. Learned counsel of respondents stated that applicant's period of absence has been regularised by respondents by granting him extraordinary Leave as per applicant's request. His pensionary benefits have finally been sanctioned vide CDA (P), Allahabad letter dated 13.12.2000 and PPO (Annexure R-1) dated 5.1.2001. Learned counsel stated that whereas the applicant has started receiving his pension since January, 2001, applicant's other claims are in the process of settlement at different levels. He further stated that within a short period of three months all his claims shall be settled. Learned

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counsel stated that delay in settling applicant's claim is due to involved procedure and is bona fide.

5. Applicant had remained absent from duty consequent upon his transfer from 1.6.1989 to 8.5.1997. He joined back on duty on 9.5.97 and immediately submitted his request for voluntary retirement on 10.5.97 which was accepted by respondents on 20.1.99 i.e. after more than 1-1/2 years time effective retrospectively from 17.5.97. In my considered view, applicant's request for voluntary retirement should have been considered within a reasonable period of submission of his written request for voluntary retirement and thereafter again applicant's retiral claims and other dues should also have been settled and paid to him within a reasonable period i.e. three months of his voluntary retirement. The applicant submitted his application for voluntary retirement on 10.5.97. His request should have been accepted or rejected by 9.8.97 and his retirement dues should have been settled and paid by 9.11.97. In any case, the applicant had claimed that he should have been paid all his dues with interest w.e.f. 20.1.99 when his request for voluntary retirement was approved and communicated to him. Accordingly, in my view applicant is entitled to retiral benefits and other dues from due dates but interest will be leviable @ 9.5% w.e.f. 20.1.99. Ordered accordingly.

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6. The above directions should be complied with by the respondents within a period of three months from the service of this order.

7. The OA is disposed of in the above terms.
No costs.

Vk Majotra

(V.K. Majotra)
Member (A)

cc.