

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 275/2001

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New Delhi, this the 24th day of September, 2001

HON'BLE SH. KULDIP SINGH, MEMBER (J)

In the matter of:

Dr. Jagannath Sharma
S/o Shri Aman Singh
R/o 128-B, DDA Flats (MIG)
Mansrover Park, Shahdra
Delhi - 110032.

..... Applicant

Versus

1. The Director of Education
Delhi Administration
Old Secretariat,
Alipur Road, Delhi-110054.

2. Delhi Administration (N CRT)
Through Chief Secretary
5, Rajpur Road,
Delhi - 110054.

..... Respondents

(By Advocate: Sh. George Paracken)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

In this OA the applicant has claimed an interest @ 18% p.a. on delayed payment of retirement dues of gratuity, pension and GPF. The GPF amount was released to the applicant on 24.5.2000. The facts alleged by the applicant that he had joined the service under Resp. No.2 w.e.f. 17.7.65 as Trained Graduate Teacher (TGT). While he was working as TGT the applicant applied for a post of Lecturer where he has alleged to have been selected and joined the new post in the private aided college on 18.7.79. Since the applicant joined his service in private aided college without getting himself relieved and without taking permission of the authorities, the department had initiated a disciplinary enquiry against him and he was awarded a penalty of removal from service which the applicant had challenged before this Tribunal. But while disposing of this OA the Tribunal directed that in case the

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applicant makes an application for voluntary retirement the same shall be considered and the applicant shall be granted voluntary retirement as per judgment in OA 522/89. While allowing the OA it was specifically directed that the petitioner shall be entitled to whatever are his rights in accordance with law on the basis that he stood voluntarily retired w.e.f. 18.7.79. It was further observed that this indulgence was allowed on the basis of equitable consideration and not as a matter of right.

2. After the OA was disposed of, applicant made a representation on 21.7.94 which was accepted on 10.11.94 whereby the applicant's request for voluntary retirement w.e.f. 18.7.79 was accepted to.


3. From their onwards the applicant made representations for grant of retiral benefits. As the applicant was not getting his retiral benefits he put up a case before Pension Adalat for pension and the department was directed to count his past service rendered as a teacher somewhere in UP school. Thereafter counting the service the applicant was allowed provisional pension etc. on 11.1.96. Department has settled his retiral dues finally which was done somewhere in the year 2000. After the settlement of his retiral dues the applicant has come up with this OA on 5.2.2001 to claim the interest on delayed payment of retiral dues.

4. Today when the OA was came up for final hearing none turned up to pursue the matter. I have heard Sh. George Paracken and perused the material on record.

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5. On going through the facts I find that first of all the request of the applicant for seeking voluntary retirement pursuant to the order passed in OA-522/89 was accepted on 10.11.94 wherein the applicant was made to retire w.e.f. 18.7.79 and since the applicant joined his service in July, 1965, he has rendered only 14 years of service which was not a qualifying service for grant of pension. Thereafter applicant had been agitating for grant of pensionary benefits and knocking the doors of Pension Adalat wherein he was requested for counting of past service which he never claimed earlier and on the directions by the Pension Adalat he was allowed to count past service rendered by him in some UP school. In such circumstances it is quite normal that his record has to be compiled and various correspondence had to be made with the various authorities to complete the record but still department was able to issue the provisional pension order of 11.1.96 and it is only thereafter when the subsequent material was provided to the department by the applicant the department was finally settled his dues and the alleged delay whichever has taken place does not appear to be contumacious delay on the part of the department because in this case the facts were itself quite peculiar and it required lot of work as applicant was claiming counting of his service which he had rendered prior to 1965 somewhere in UP school. Hence applicant has not made a case for grant of interest. Hence his OA stands dismissed.


(KULDIP SINGH)
Member (J)

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