

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1287/98

New Delhi: this the 24th day of December, 1999.

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A).

Jag Mohan,

S/o Late Shri Babu Ram Kesar,
B-4, Mukhram Garden,
PO Tilak Nagar,

New Delhi - 18

..... Applicant

(Applicant in person)

Versus

1. Union of India,
Ministry of Defence,
South Block,
New Delhi.

2. DG EME,
Army Headquarters,
HQ PO
New Delhi.

3. Commander,
HQ Base Workshop Group EME,
Delhi Cantt-10.

4. Commandant,
505, Army Base Workshop,
Delhi Cantt-10

..... Respondents

(By Advocate: Shri Madhav Panikar).

ORDER

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A).

Applicant had filed this OA on 10.7.98 seeking a direction to respondents to release all his retiral dues, including DCRG; commutation of pension; pension amount; G.P. Fund amount; leave encashment and CGEIS amount consequent to his retirement on superannuation w.e.f. 30.4.98, together with penal interest for the delay in payment from the date of retirement till payment was actually made.

2. Respondents in their reply did not deny that applicant had retired on 30.4.98 and also did not deny that he submitted his papers for pensionary benefits in August, 1997 but contended that when he was asked to sign the pensionary papers prepared on pre-revised scale he refused to sign it and was adamant to get his pensionary awards in revised scale. Respondents state that revised pay rules, 1997 were declared on 27.10.97 and applicant's pay was provisionally fixed on 4.10.97. All the payments on account of arrears was provisional subject to adjustment in future on final fixation of pay. Pensionary awards were to be made on the pay finally fixed by the audit authorities. Audit authorities fixed applicant's pay on 15.1.98 based on which his pensionary awards were released on 27.5.98, which were forwarded to SBI, Tis Hazari, Delhi (Link Bank) vide letter dated 8.6.98 for release of pensionary awards to applicant's Banker viz. SBI, Chakhandi, Delhi. As regards applicant's GP fund, respondents state that cheque slip for Rs. 67,703/- was received from the audit authorities on 25.5.98 and applicant was informed to sign the receipt of the amount on 27.5.98, but as applicant did not return the receipt duly signed, nor did he report to the Unit the G.P. fund amount of Rs. 67,703/- was paid to him on 29.7.98. Similarly cheque for leave encashment amounting to Rs. 63529/- was paid to applicant on 29.7.98, and CGEIS amount as also leave encashment amount was paid by cheque on 29.7.98.

3. Applicant has filed rejoinder, in which he has contended that respondents had deliberately delayed payment

of his pensionary dues and has also claimed that respondents still owe him Rs. 140/- as the balance amount of LTC claim submitted by him in February, 1998; Rs. 18/- as balance amount of Medical Claim submitted in August, 1997; Rs. 2800/- on account of payment of arrears from the recommendations of the 5th Pay Commission; and Rs. 300/- as compensation. He also claims that he has been paid Rs. 2970/- less as gratuity due to revised DA w.e.f. January, 1998.

4. Having heard both parties and perused the materials on record I am satisfied that respondents have paid applicant his retiral benefits and the delay, if any, in release of the same was because of revision of pay scales consequent to the 5th Pay Commission recommendations and not because of any wilful deliberate or malafide intent on the part of respondents which would warrant saddling them with interest & costs.

5. In as much as the dues referred to in para 3 above are concerned, it will be open to applicant to pursue the same separately with respondents.

6. The OA is disposed of in terms of paras 4 and 5 above. No costs.

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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