

Central Administrative Tribunal, Principal Bench

(11)

O.A.No.856/96

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 7th day of May, 1997

Shri K.M.Nagar
196/C, Ramesh Market
Near Sapna Cinema
New Delhi. Applicant

(By Shri V.C.Sondhi, Advocate)

Vs..

1. National Capital Territory
Delhi (Through its Chief Secretary
Old Secretariate)
Delhi.
2. The Director
Directorate of Training &
Technical Education
C Block, Vikas Bhawan Respondents
New Delhi.

(By Shri Vijay Pandita, Advocate)

O R D E R(Oral)

Hon'ble Shri R.K.Ahooja, Member(A)

The applicant is aggrieved that though he retired from the employment of Respondent No.2 on 31.5.1995, the respondents did not pay him the retiral benefits including Pension, Gratuity, Commutation of Pension, Encashment of Leave, etc. and he has been paid only the provisional pension. The respondents in their reply have stated that there was a delay since a penalty of censure had been awarded to the applicant vide order dated 8.9.1992 and the Central Vigilance Commission, vide their letter dated 20.3.1994 had advised the respondents to undertake a revision of the said punishment. As it took time to obtain the necessary approval of the President, hence, in the absence of Vigilance Commission's clearance certificate, the release of the retiral benefits could not be made. In the circumstances, the respondents allowed provisional pension to the applicant w.e.f. 1.6.1995.

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They also raise a preliminary objection that necessary parties, namely, Central Vigilance Commission and the Directorate of Vigilance have not been impleaded and hence the application is liable to be dismissed.

2. We have heard the counsel on either side. With the consent of the learned counsel on either side, the matter is disposed of at the admission stage itself. Learned counsel for the respondents states that since the vigilance clearance was obtained on 19.2.1997 and 6.3.1997, all the payments have been released to the applicant. The learned counsel for the applicant, however, states that this is only a partial payment inasmuch as the respondents have released the Gratuity and Commutation of Pension in April, 1997 but payment of Pension has still not been made.

3. We have examined the matter carefully. The applicant has impleaded the Government of National Capital Territory of Delhi through its Chief Secretary and Director, Directorate of Training & Technical Education. It is not necessary to implead either the Central Vigilance Commission or the Directorate of Vigilance, Delhi Administration as necessary parties since it is the responsibility of the Directorate of Training and Technical Education to obtain the clearance certificate from the concerned Vigilance Commission. Therefore, the preliminary objection is not sustainable.

3. We note that though the respondents state that the payment of retiral benefits have been made, the same is not admitted by the applicant. In any case, the applicant was entitled to receive the pensionary benefits

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within three months of his retirement. The delay which occurred in obtaining the vigilance clearance is not attributable to the applicant. Hence his claim for interest on delayed payment is in our view justified. Accordingly, we allow the application and direct the respondents to pay all the retirement benefits within a period of two months if not already made and to pay interest at the rate of 12% to the applicant from three months from the date of retirement to the date of actual payments made. No costs.

~~Reedas~~
(R.K. AHDOOJA)
MEMBER(A)

/rao/

~~Lakshmi-Swaminathan~~
(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)