

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 1000 of 1997

New Delhi, this the 22nd January, 1998.

Hon'ble Mr. N. Sahu, Member (A)

Shaktu Ram
S/o Shri Champat
81/96, LNJP Hospital
Delhi

...Applicant

(By Advocate : None).

Versus

1. Govt. of NCT Delhi
through :
The Secretary (Medical)
5 Shyam Nath Marg
Delhi

2. Medical Superintendent,
L.N.J.P. Hospital
New Delhi

... Respondents

(By Advocate : Sh. Raj Singh)

ORDER (ORAL)

By Sh. N. Sahu, Member (A) -

Heard.

2. The relief claimed in this OA is for payment of retirement benefits along with interest.

3. Since the applicant's counsel was not present during the last two occasions and he is not present today also, I dispose of this OA on the basis of the material on record after hearing the learned counsel for respondents.

4. The pensionary benefits of the applicant were not cleared on account recovery claims: a sum of Rs. 94,830/- was to be recovered from him on account of arrears of market rent and licence fee and a sum of

Rs.21,574/- on account of over-payment of HRA. It is stated by the respondents after notice that the applicant yet had wrongly drawn HRA although he resided in Govt. accommodation, drawing HRA. It was noticed that licence fee was not deducted from his pay since November, 1980. Under these circumstances, his final pension payments could not be settled. The applicant was required to first surrender the Govt. accommodation and make payment of Govt. dues and only on the production of "no dues certificate" that his pensionary benefits would be finally cleared. In the rejoinder, the applicant denies that the accommodation was cancelled on 06.10.1991 while accepting that licence fee was not taken for the last 15 years. The applicant states that it was not due to his fault. The applicant has been paid leave encashment of Rs.15,624/- by Bill No.1958 during February, 1997. The GPF final amount was paid by a bill dated 26.08.1996. Learned counsel for respondents states that pension has also been released subsequently. It is urged that the applicant had taken undue advantage of lack of any communication about allotment of Govt. quarter to the Accounts Branch; although he was enjoying the allotment since November 1980, licence fee could not be deducted from his salary. The additional benefit undeservedly enjoyed by him was that he was paid HRA for several years and an amount of Rs.21,574/- was overdrawn by him in the form of HRA.

(2)

5. I have carefully considered the submissions made by the learned counsel for respondents and perused the averments made in the OA and the rejoinder. I agree with the learned counsel for respondents that the applicant ought to have informed the Accounts Branch that he was receiving HRA which he is not entitled to under rules. The applicant has not behaved in a manner befitting a Govt. servant.

6. In the facts and circumstances mentioned above and in view of the fact that pension and other retirement benefits having been paid, I do not consider that there is any other merit in this case. As the applicant has not played fair with the Govt., it is not a fit case for grant of any interest and accordingly the prayer for grant of interest is rejected. No other reliefs are due. The delay in finalising the pension papers is clearly explained.

7. OA is dismissed. No costs.

Narayan Sahu
(N. Sahu)
Member (A)

/Kant/