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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI.

QA No. 2062/94

New Delhi : August 31st, 1995.

HON'BLE MR. S.R. ADIGE, MEMBER (A).

Mrs. S.K. Bhalla
Wife of Mr. S.S. Bhalla,
R/o 7, Dayanand Vihar,
Vikas Marg,
New Delhi - 110 092

... Applicant

By Advocate Shri M.L. Ohri.

Versus

1. Lt. Governor of Delhi,
6, Raj Niwas Marg,
Delhi - 110 054

2. The Director of Education
Directorate of Education,
Old Secretariat,
Delhi - 110 054

... Respondents

By Advocate Shri Rajinder Pandita.

JUDGEMENT

By Hon'ble Mr. S.R. Adige, Member (A)

1. The facts of this case lies within a narrow compass.

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2. The applicant retired upon superannuation on 31.12.92. She claims that she should have been paid her pensionary benefits and dues on 31.12.92 itself but was sanctioned retirement gratuity of Rs. 66,000/- on 29.3.93; commutation of pension of Rs. 78,402/- on 29.3.93; monthly pension of Rs. 1,334/- on 29.3.93; leave encashment on 30.8.93; and group insurance on 23.9.93. She has therefore, claimed interest @ 18% p.a. on delayed payment of pensionary benefits in this O.A.

3. According to the applicant, in accordance with Rule 56 CCS (Pension) Rules, the respondents should have initiated action for preparation of the pension papers in Form 7, 2 years prior to the date of her superannuation and should have obtained Form 5 eight months prior to her retirement duly completed, but no such action was taken by them till May, 1992 upon which the applicant suo-moto filled in and submitted the pension application in June '92. However the same was informally returned to her and she was given another form for filling, which she did and submitted the same to the school authority on 4.8.92. who in turn submitted it to the Director of Education on 31.8.92. This form was thereafter returned back on 22.9.92 as being incomplete and unsigned (Annexure - R III) and completed form was received from her vide letter dated 14.12.92 (Annexure - R IV).

4. It is clear that the applicant's case for grant of interest on account of alleged delay in sanction of retiring benefits is seriously weakened by her own action in supplying incomplete and unsigned pension forms, and rectifying the same only

12

as late as 14.12.92. More serious is the fact that on 4.3.93 i.e. over 3 months after her retirement, the applicant had still not handed over complete charge of her office (School's letter dated 4.3.93 at Annexure R-V(i)) and on 17.3.93 (Annexure R-V(ii)) and the school authorities also informed the Director of Education that the applicant still had with her, various important documents and files, which she had reportedly not handed over, owing to which the school was not in a position to issue No Demand Certificate. It is only on 6.4.93 that the applicant handed over complete charge of those records (School's letter dated 10.4.93 at Annexure R-V(iii)). Furthermore, it appears that a vigilance case was pending against the applicant as stated by the respondents in paragraph 4(13) of their reply, and her vigilance clearance was received only in March'93. These facts have not been denied by the applicant in the corresponding paragraphs of the rejoinder, and her only response is that had vigilance clearance been issued sooner, there would not have been delay in issuing the necessary sanctions.

5. Those who seek to invoke the Tribunal's jurisdiction must come with clean hands. From the position noted above, it is abundantly clear that the applicant submitted the completed pension papers only on 14.12.92, and till 6.4.93 had not even handed over complete charge of all records consequent to her retirement on 31.12.92. That being the position, there has been no delay at all

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3

in sanctioning the applicant's retirement gratuity; commutation of pension; and monthly pension. Even in respect of the applicant's leave encashment and group insurance which were sanctioned on 30.8.93 and 23.9.93 respectively, that is well within 6 months of the applicant making over complete charge of her post on 6.4.93. There are no materials to indicate that the respondents deliberately delayed sanctioning the applicant's leave encashment and group insurance, and moreover it is well known that the process of ^{granting a} ~~granting a~~ clearances particularly in matter involving retiral benefits requires checking of past records and scrutiny at different levels. That being the position, and the applicant herself ^{not} having ~~not~~ handed over complete charge of her post till 6.4.93 despite having superannuated on 31.12.93, no good grounds have been made out to warrant imposing the penalty of interest payments on the respondents.

6. In so far as the applicant's LTC is concerned, it appears from judgement dated 7.12.94 in O.A. 2054/94 that the applicant had accepted a cheque for Rs.1,784/- towards payment of LTC claim on that date, and the OA was dismissed as infructuous. The question of delay if any in the payment of that claim should have been agitated in that OA ^{itself} but the judgement dated 7.12.94 does not indicate whether that was done. In any case it now cannot be agitated in this OA where the relief is restricted to interest on delayed payment of pensionary

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14

benefits, because LTC is not a pensionary benefit.

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7. This ~~OA~~/therefore, warrants no interference.
It is dismissed. No costs.

Adige
(S.R. ADIGE)
Member (A)

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