

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 23/2000

New Delhi, this the 11th day of May, 2001

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

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Shri N.S. Sejwal
S/o Late Shri Kehar Singh,
Ex. Assistant Director (SGT),
Office of Director General,
Department of Telecommunication,
Government of India,
Sanchar Bhavan,
New Delhi.

R/o F-128, Lado Sarai,
New Delhi 0 110 030.

... Applicant

(By Advocate: Shri B.S. Maine)

V E R S U S

Union of India through

1. The Secretary,
Ministry of Communications,
Government of India,
Sanchar Bhavan,
New Delhi.
2. The Director General,
Directorate of Tele-communication,
Sanchar Bhavan,
3. The Secretary,
Ministry of Petroleum & Natural Gas,
Government of India,
Shastri Bhavan,
New Delhi.
4. The Executive Director,
Oil Cooperation Committee,
SCOPE Complex, Core 8,
2nd Floor, Lodhi Road,
New Delhi - 110 003.

... Respondents

(By Advocate: Shri Gajendra Giri with Shri Jagat Arora)

ORDER

By Shri Kuldip Singh, Member (J):

The applicant in this case is aggrieved by the failure of the respondents to pay his retirement benefits including pension, gratuity, leave encashment etc. though the applicant has taken

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voluntary retirement on 25.1.1994 after having served the department for more than 35 years.

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2. Facts in brief are that the applicant had joined the services of the respondents on 24.4.58 as Technician. Thereafter he reached to the level of Assistant Director (Group "B") in June, 1979 and while working as Assistant Director the applicant went on deputation to the Oil Co-ordination Committee (hereinafter referred to as OCC) under the Ministry of Petroleum and Natural Gas in terms of the respondent No.1's letter dated 20.2.1987. Though as per this order, the deputation period was to expire after 3 years but it continued to be extended from time to time and the last such extension was upto 29.2.1992. But besides that the applicant was not relieved by the OCC, who requested the parent department of the applicant for permanent absorption of the applicant in the Ministry of Petroleum. But since the parent department did not decide the matter and took about 2 years to come to the final decision and ultimately they asked the borrowing department to repatriate the applicant so the applicant was relieved by the OCC in terms of their letter dated 16.12.1993 and the applicant joined his parent department on 9.1.1994 as during the intervening period, he was on sick leave. Thereafter, the applicant sought voluntary retirement and he was allowed to retire w.e.f. 25.1.1994 and his notice of three months' period was also waived off. But besides the date of retirement, his pension has not

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been fixed nor he has been paid other retiral dues though the applicant had taken up the matter by filing various representations and personally meeting the respondents, but nothing has been done so far.

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3. The applicant further alleges that there is a correspondence going on between respondent No.1 and 2 and respondent Nos. 3 and 4 on one ground or on the other ground with regard to regularisation of certain period of service which the applicant had spent on deputation. But because of their correspondence itself, the applicant has not been paid the retiral benefits.

4. Respondent No.4 appearing for OCC has filed separate reply and they say that the respondent No.4 has already regularised the period w.e.f. 20.9.93 to 16.12.1993 when he was finally relieved of his duties to join his parent department so it is now for respondent Nos. 1 and 2 to pay the retiral benefits.

5. Respondent Nos. 1 and 2 submitted that the period of deputation was regularised by the department upto 29.2.92 only. The remaining period from 1.3.92 to 9.1.94 needs to be regularised with regard to payment of pension and other retiral benefits by the office to which the OCC is not agreeable as a result the period w.e.f. 1.3.92 to 9.1.94 remains unrecognised and the regularisation of

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this period is to be done by the Ministry of Petroleum and Natural Gas in consultation with the Department of Personnel and Training.

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6. It is further stated that respondent Nos. 1 and 2 had been reminding OCC and Ministry of Petroleum and Natural Gas with regard to the regularisation but nothing has been done since the period is not being regularised, so the OA should be dismissed.

7. I have heard the learned counsel for the parties and gone through the records of the case.

8. The main hurdle for settling the pension case of the applicant is with regard non-regularisation for the period of overstay on deputation by the applicant with respondent No.4, who is stated to have relieved the applicant on 16.12.1993, though the period upto 29.2.1992 had already been regularised.

9. The learned counsel appearing for the applicant submitted that the applicant had gone on deputation vide Annexure A-1 with the consent of his parent office as well as with the consent of the borrowing department and if the applicant had not been relieved after the expiry of the initial period of deputation and his deputation period has been extended from time to time and has been regularised, so there is no fault of his not joining the duties

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back in his parent department and the moment he was relieved and was fit to join back duties, he joined the duties and it was the respondents who are to process the case for sanction of pension.

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10. Respondents submit that since the period of deputation from 1.3.92 to 9.1.94 have not been regularised by the Ministry of Petroleum and Natural Gas so they are unable to settle the pension of the applicant.

11. I have given my thoughtful consideration to the matter involved. There is no dispute that the applicant had sought voluntary retirement and had retired from service w.e.f. 25.1.1994 vide Annexure A-4 so for settling the case it is for the parent department to process his case.

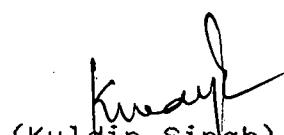
12. As far as regularisation of the period of overstay on deputation with respondent No.4 is concerned, it is for the parent department of the applicant to take up the matter with the respondent Nos. 3 or 4 for regularisation of the period of overstay for which the applicant cannot be found to have any fault and his payment of retiral benefits cannot be delayed. It is surprising that the applicant, who had retired in the month of January, 1994, his retiral dues has not been paid till date, on a technical plea that certain period of overstay of deputation with the respondent No.4 is not being regularised and for this regularisation, I find that

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the respondent No.1 and 2 as well as borrowing office respondent No.3 and 4 where the applicant had gone on deputation should not have taken so long time that from 1994 till date they could not settle the issue of regularisation of applicant for overstaying on deputation.

13. Hence, I am of the considered view that the applicant is being unnecessarily made to suffer as his retiral benefits are not being released and unnecessary correspondence is going on between respondent Nos. 1 and 2 on the one hand and respondent Nos. 3 and 4 on the other hand and there is no satisfactory explanation also as to why this delay is being caused. It appears that no one in the office of respondent Nos. 1 and 2 as well as in the office of respondent Nos. 3 and 4 are taking the matter seriously and unnecessarily, a retired employee is being made to suffer. I, therefore, allow the OA and direct respondent Nos. 1 and 2 to make payment of the retiral dues of the applicant within a period of 3 months from today along with interest at the rate of 12% from the date of filing of the OA. No costs.


(Kuldip Singh)
Member (J)

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