

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

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Regn.No.OA 895/89

Date of decision: 19.07.1989.

Shri S.C. Mishra

Applicant

Vs.

Union of India

Respondents

For the Applicant

Shri S.K. Sawhney,  
Counsel

For the Respondents

Shri Inderjit Shama,  
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. P.C. JAIN, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *No*
2. To be referred to the Reporters or not? *No*

JUDGMENT (ORAL)

(The judgment of the Bench delivered by Hon'ble Shri P.K. Kartha, Vice Chairman(J))

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant who has worked as Senior Electrical Engineer (Construction) in the office of the Divisional Railway Manager, New Delhi,

*Q* has prayed for the following reliefs:-

- (i) To direct the respondents to make payment of Rs. 209,072/- or any lesser or greater amount to which the applicant may be found entitled on account of Provident Fund, leave encashment,
- Q*

Insurance refund, commutation of Pension, arrears of Pension and interest at market rate from 25.4.84 to the date of payment.

- (ii) To direct respondent No.1 to initiate disciplinary action against the erring officers/officials responsible for the culpable neglect in delaying the payment of settlement dues to the applicant for over 5 years.
- (iii) To grant any other relief that this Hon'ble Tribunal may deem fit and proper under the circumstances.
- (iv) To award costs of this application.

2. The application was admitted on 28.4.1989 when it was directed to issue notice to the respondents to file their counter affidavit within 5 weeks. The applicant has also prayed for grant of interim order for directing respondent No.2 to make payment of pension to him forthwith.

3. We have heard the learned counsel of both parties. We feel that without waiting for the completion of the pleadings, the present application could be disposed of in the light of the submissions made by the learned counsel. The learned counsel of the respondents stated that there had been some deficiencies in the papers filed by the applicant for his retirement benefits and it is because of these deficiencies, <sup>that &—</sup> there had been delay in settling his dues. However, there is nothing on record to show that the applicant had been intimated about these deficiencies at any point of time.

4. In the facts and circumstances of the case, we order and direct as follows:-

(i) The respondents shall pay the amount outstanding in the Provident Fund account of the applicant, the leave encashment under the rules and the deposited portion of the Group Insurance Scheme amount admissible to him within a period of one month from the date of communication of this order. These amounts should be released to him without any formal application from the applicant.

(ii) As regards the completion of papers relating to pension and commutation of pension, the applicant shall report at the office of the Divisional Personnel Officer at Ferozepur within one week from today and the office of the Divisional Personnel Officer shall complete the pension papers, as required, immediately thereafter and release the sanction for payment of pension and commutation of pension within one month thereafter.

(iii) The interest payable on the outstanding amounts should also be paid in accordance with the relevant rules.

The application is disposed of on the above lines. The parties will bear their own costs.

Let a copy of this order be given to the learned counsel of both parties immediately.

*Clean*  
(P.C. JAIN)  
MEMBER (A)

*Amrith*  
(P.K. KARTHA)  
VICE CHAIRMAN (J)