

**Central Administrative Tribunal
Principal Bench, New Delhi**

This is the 10th day of February, 2021

O.A. No.1606/2020

(Through Video Conferencing)

Hon'ble Mr. Pradeep Kumar, Member (A)

1. Shri Chand
Designation – Cleaning Staff, Group “D”
S/o Late Sh. Basanta,
R/o 318, Trilokpuri, Block – 23,
Delhi – 110 091.
Applicant

(By Advocate: Shri S K Mishra)

Versus

1. East Delhi Municipal Corporation (Head Office)
Through Assistant Commissioner (CSE),
419, Udyog Sadan, Patparganj Industrial Area,
Patparganj, New Delhi,
Delhi 110096;
 2. East Delhi Municipal Corporation
Through Administrative Officer,
D.E.M.S. Department, Shahdara South Zone,
New Delhi – 110 092.
 3. Government of NCT of Delhi
Through Lt. Governor,
Delhi Sachivalaya,
Inderprasth Estate,
Delhi – 110 001.
(By Advocate : Shri M S Reen)
- Respondents

O R D E R (Oral)**Hon'ble Mr. Pradeep Kumar, Member (A)**

1.0. The applicant herein was working as SafaiKaramchari with EDMC. He was confirmed in the year 1986 in pay scale Rs 196-220/-. This scale was changed to Rs 196-232 vide order Dt. 17.6.1986. He had superannuated on 31.08.2018. The concerned order of superannuation was issued about three months earlier i.e. on 01.05.2018.

2.0. The applicant is aggrieved that his retiral dues including pension and even GPF, have not been paid. The only amount paid is leave encashment amounting to Rs. 3,93,490/- on 17.12.2018.

3.0. The applicant made representations on 20.08.2019 and again on 13.08.2020 for all other dues. Even though, these representations were acknowledged, yet there has been no response. Feeling aggrieved, the instant OA was filed seeking reliefs to release all the retiral dues along with interest.

4.0. Notices were issued to the respondents. The respondents have submitted their counter reply on 11.1.2021.

It is admitted by the respondents that the Service Book of the applicant was somehow misplaced, which was re-created on 6.1.2021 and payment of retiral dues has since been processed and it may take more time before these are released. The respondents also brought out that there is a financial crunch being faced by the EDMC, due to which they have not been able to release the retiral dues including pension. The respondents sought three months more to release the payments.

5.0. The respondents have admitted that the approximate amount due to the instant applicant are as under:-

S.No.	Terminal Benefits	Amount	Paid on
1.	Commutation	Rs.7,59,093/- (Approx.)	Yet to be paid
2.	Gratuity	Rs.6,94,221/-	- do -
3.	Pension	Rs. 11,580/- PM (Approx.)	- do -
4.	GIS	Rs.5,000/-	- do -

		(Approx.)	
5.	GPF	Rs. 3,00,000/-	- do -

6.0. The respondents have further, fairly submitted that recently Hon'ble High Court of Delhi has directed that pension amount due as of June, 2020, is required to be released immediately to all the retired employees and respondents are taking action for compliance of the same.

7.0. Matter has been heard. Shri Sujeet Singh, learned counsel represented the applicant. Shri M.S. Reen, learned counsel represented the respondents.

8.0. The Tribunal notes with serious concern that a retired employee has been left to fend for himself as not even pension or even GPF, has been paid so far, even though more than two years time has elapsed after the applicant's superannuation. The plight of the applicant can very well be understood. The indifference on the part of respondents cannot be accepted.

9.0. The Hon'ble Apex Court held in S.K.Dua Vs State of Haryana, Appeal (Civil) 184 of 2008 arising out of SLP(C) 21311 of 2005, that payment of interest for

due amounts, released after delay, can be allowed. The Hon'ble Apex Court has also held on 18.2.2020 in Dr Hira Lal Vs state of Bihar, Appeal no. 1677-1678 of 2020 arising out of SLP(c) 4722-4723 of 2020 that right to receive pension is protected as a right to property and it is earned after long years in service, which cannot be taken away unless due process has been followed. These ratios are attracted in this case.

10.0. The applicant is not at any fault for delays in payment of retiral dues. It follows that he has been denied use of money legitimately due to him. He cannot be made to suffer.

11.0. In view of the admitted case of the respondents that retiral dues could not be released so far and pension amount due as of June, 2020, is to be released shortly, the OA is disposed of with the following directions :-

- (i) The pension amount due as of June, 2020 be released within a period of four weeks.
- (ii) The rest of the amounts due in respect of commutation, gratuity, pension, GIS and GPF

shall also be released, along with 6% interest, from a date three months subsequent to superannuation, i.e. wef 1.12.2018 till today when this order is being passed, within a time period of three months i.e. by 10.5.2021.

(iii) There shall be no order as to cost.

order **DASTI**.

(Pradeep Kumar)
Member (A)

Sarita/pinky