



CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

O.A. No. 060/00447/2020

(Order reserved on 16.12.2020)

Chandigarh, this the 18th day of December, 2020

HON'BLE MRS. AJANTA DAYALAN, MEMBER (A)

Renu Anand, wife of Sh. Mukesh Anand, aged 51 years, resident of House No. 1012, Sector 8-C, Chandigarh, now residing in House No. 507, Sector 16-A, Chandigarh-160 015.

.....Applicant

(By Advocate: Mr. Ashish Midha)

Versus

1. Union Territory Chandigarh through its Administrator, U.T. Secretariat, Sector-9, Chandigarh-160 009.
2. Education Secretary, Union Territory, U.T. Secretariat, Sector-9, Chandigarh-160 009.
3. Director School Education, Union Territory, Chandigarh, Additional Deluxe Building, Sector 9-D, Chandigarh-160 009.
4. District Education Officer (Schools), Union Territory, Chandigarh, Deluxe Building, Sector-9, Chandigarh-160 009.
5. Principal, Government Model Senior Secondary School, Sector 8, Chandigarh-160 009.

.....Respondents

(By Advocate: Mr. Aseem Rai)

ORDER**AJANTA DAYALAN, Member (A):**

1. This OA has been filed by the applicant Renu Anand seeking interest on delayed payment of Gratuity, General Provident Fund and Pension. The applicant has also sought penalty/damages for delay in payment of her dues without valid justification.
2. The facts of the case are not disputed. The applicant was appointed as Lecturer by the respondent department UT Administration on 17.08.1992 and she had been working continuously as such. After completion of more than 25 years of service, she sought voluntary retirement vide application dated 15.01.2018 (Annexure A-1). In the application, she stated that three months notice may be considered from 01.05.2018 and sought voluntary retirement till 31.07.2018. This request for voluntary requirement was accepted by the competent authority vide order dated 02.07.2018 (Annexure A-2) and she was voluntarily retired w.e.f. 31.07.2018.
3. As the whole question in the case is whether there was delay in payment of her retiral dues and if so, whether the delay was on the part of the applicant



or on the part of the department and whether there was any intentional or unusual delay, a few facts relating to payment of different retiral dues are relevant. These facts have been admitted by both the parties and are undisputed. These are given in the following paragraph.

4. As regards pension papers, the applicant submitted her pension papers first time on 21.08.2018 (Annexure R-1) addressed to the Principal, Government Model Senior Secondary School, Sector 8, UT Chandigarh. The Principal forwarded the case to the District Education Officer on 18.10.2018 (Annexure R-2). This was returned to the Principal on 13.11.2018 (Annexure R-3) pointing out discrepancies in the case. After correction, the pension case was again sent to the District Education Officer on 06.12.2018 (Annexure R-4). The District Education Officer then forwarded the pension case to Director School Education, UT Chandigarh on 24.12.2018 (Annexure R-5). This was however returned to District Education Officer on 11.02.2019 (Annexure R-6) with the remarks that pay and qualifying service were not correctly mentioned. Also, it was pointed out that in the service book, the



applicant was shown as officiating employee upto the date of her retirement. The relevant inputs were resubmitted to District Education Officer on 03.04.2019 (Annexure R-7).

5. Subsequently, as pointed out by Accounts Wing, the pay of the applicant needed to be refixed as per order dated 11.06.2019 (Annexure R-8). The pension case, therefore, was returned to the Principal for making necessary corrections in the service book and the pension papers. The Principal, after making requisite corrections, forwarded the case to District Education Officer on 14.06.2019 (Annexure R-9). The District Education Officer forwarded the same to Director School Education on 17.06.2019 (Annexure R-10). The Director further forwarded the case to Accountant General (A&E), UT Chandigarh on 22.07.2019 (Annexure R-11). The Accountant General sanctioned the DCRG and pension vide order dated 04.09.2019 (Annexure R-12).

6. Regarding GPF, the applicant submitted her final payment case on 03.12.2018. The Principal forwarded the same to District Education Officer on 06.12.2018 (Annexure R-14) who further forwarded the



same to the Accountant General, UT on 19.12.2018.

The same was sanctioned on 16.01.2019 (Annexure R-15). This order contained a condition at Sr. No. 4 to the following effect:-

"A certificate to the effect that the subscriber has not drawn any refundable/non-refundable advance during the period from DOJ to DOR except, may be recorded on the bill before it is submitted to the Treasury".

The applicant submitted this certificate on 28.03.2019 (Annexure R-16). Immediately thereafter, the GPF bill was passed by the Treasury on 29.03.2019.

7. A perusal of the above shows that pension and DCRG were sanctioned on 04.09.2019, that is, about one year and one month after her voluntary retirement. The GPF payment was passed on 29.03.2019 - that is almost eight months after her retirement.

8. The counsel for the applicant argued that as per Punjab Civil Service Rules, the retiral dues are to be paid to the retirees on the date of their retirement and in case of any delay, the employer is bound to pay interest on the delay in payment.

9. The counsel for the applicant also argued that it was the duty of the respondents to process her



retiral dues in advance, especially as she had given voluntary retirement notice of over six months.

10. The counsel for the applicant further argued that the delay is on the part of the respondent department and not on the part of the applicant. The applicant on her part submitted all the claims and she also fulfilled subsequent requirement immediately and there was no delay on her part. It was the respondent department which made mistakes or which led to discrepancies in her case requiring frequent corrections resulting in unusual delay in release of her retiral dues. As such, counsel for the applicant concluded that the respondent department is liable to pay interest on the delayed payment for which they were responsible.

11. The respondent department, on the other hand, submitted that the applicant's voluntary retirement was accepted vide order dated 02.07.2018. Thereafter, the applicant submitted her pension papers only on 21.08.2018. These papers were processed thereafter. Due to some discrepancies, these needed to be returned once for correction of the discrepancies and then again as pay and qualifying service were not correctly mentioned. Even these inputs were corrected



by District Education Officer vide letter dated 03.04.2019. However, thereafter, the pay of the applicant needed to be corrected and as such, the pension case had to be again returned to the Principal, Government Model Senior Secondary School. These corrections were made in June 2019. The case was forwarded from Principal to District Education Officer and then to Director School Education and then finally to Accountant General on 22.07.2019 and the pension and the DCRG were sanctioned on 04.09.2019. Similarly, in case of GPF, the applicant herself submitted her papers after four months from the date of her retirement and the same could be processed only thereafter. The GPF was finally released on 29.03.2019.

12. The counsel for the respondents therefore contended that the above facts and circumstances show that there was no deliberate or intentional delay on the part of the respondent authorities with regard to release of retiral dues to the applicant. The delay was also partly on the part of the applicant herself in submitting requisite documentation to the concerned authorities. As and when complete



documents/formalities were available, necessary dues were promptly released. As such, the respondents' counsel argued that this was not a fit case for approaching the Tribunal for grant of interest or for damages. He therefore concluded that the applicant is not entitled to any relief and the OA needs to be dismissed.

13. I have heard counsel of the opposing parties. I have also perused the pleadings of the case and have given due consideration to the matter.

14. First of all, I note that the case of the applicant is of voluntary retirement. She has not superannuated from service. In case of superannuation, the fact of the employee exiting from the Government service is known beforehand and much of preparatory action for payment of retiral dues in time is taken well before the retirement itself. Such preparatory action includes examination of complete service record of the retiree. It also includes even stopping of GPF contribution three months prior to the retirement so that the contributions are fully accounted for by the time of retirement. However, in case of voluntary retirement, such preparatory action is not



possible. In the instant case, even though applicant had given notice for voluntary retirement in January 2018 itself, the same could not be acted upon for the purpose of processing pension case until and unless the voluntary retirement request itself is accepted by the competent authority and the applicant stands voluntarily retired. Thus, in spite of advance notice, no action in voluntary retirement case is possible prior to acceptance of voluntary retirement by the competent authority. This decision was taken in July 2018 and she was allowed to be retired with effect from the date she sought voluntary retirement i.e. 31.07.2018. As such, it was possible for the respondent department to process her pension case only after July 2018 and not prior to that.

15. It is also important to note that the timelines given in Punjab Civil Services Rules being relied upon by the applicant and even otherwise by DoPT are for superannuation cases and not for voluntary retirement cases. The voluntary retirement cases are quite distinguishable from superannuation cases for the reasons given in the preceding paragraph. Hence, the timelines for superannuation cases can obviously not be



applied to voluntary retirement cases. No comparison can be drawn for the reasons stated in the preceding paragraph.

16. Considering that in case of normal retirement, an employee is asked to submit pension papers six months before retirement, it can be safely concluded that at least six months period for processing of pension case is required even in the normal superannuation case. Further, in normal superannuation case, service record of the employee already stands verified and corrected in view of impending superannuation. However, this is not so in case of voluntary retirement. As such, it can be safely concluded that six months is the minimum period required for processing of the case after submission of pension papers.

17. In the instant case, I note that the applicant herself has submitted her pension papers only on 21.08.2018, that is, more than a month after order of voluntary retirement and about a month even after her actual voluntary retirement. Even then, the papers were not complete and some discrepancies were noticed at the level of the District Education Officer.



From the perusal of Annexure R-3, I find that at least one of these discrepancies is attributable to the applicant herself. After these corrections, the same could be forwarded further to Director School Education only on 06.12.2018. Then, the Director School Education had to return the papers as the pay and qualifying service were not correctly mentioned and the applicant was shown as an officiating employee. These inputs were submitted by the District Education Officer on 03.04.2019. Finally, the pay of the applicant was refixed as per orders of the Director School Education on 11.06.2019 and the pension papers were again returned to the Principal. After correction of pay, the case was finally sent to the Accountant General, UT Chandigarh on 22.07.2019 and pension and DCRG were sanctioned on 04.09.2019.

18. Thus, I note that in total, about one year was taken by the respondents for processing of pension and DCRG case after submission of the same by the applicant. Though this period is more than six months period normally taken for processing of the pension case, I find the extra period taken to be justified especially in view of the fact that the applicant had



taken voluntary retirement and as such, her service record was not kept ready for her impending retirement as is done in the normal superannuation case. Besides, her pay also needed to be refixed in the meantime as was pointed out by the Accounts wing. Besides, there were discrepancies and other mistakes in pay and qualifying service that needed to be corrected at different levels. Especially in view of refixation of pay that was involved in case of the applicant and also correction of some discrepancies in the pension case submitted by the applicant, I find that time taken by the respondents is not unjustified. There is no deliberate or intentional delay. There is no malice and there is no unusual delay on the part of the respondents in processing of the case at any stage as is seen from the chronology of the case given in the preceding paragraphs of this order. Thus, I find no justification for payment of interest on delayed payment of pension and DCRG.

19. As regards GPF, I find that the applicant herself has moved her GPF final payment case on 03.12.2018 - that is more than four months after her voluntary retirement. The GPF bill was finally passed



by the Treasury on 29.03.2019. Thus, while the applicant herself submitted her own GPF case four months after her voluntary retirement in July 2018, the payment has been made within four months of submission of the case by her. Even here, the GPF payment was sanctioned by the Accountant General on 16.01.2019 itself with the condition of suffixing a certificate about the non-drawal of refundable/non-refundable advance. However, the applicant submitted this certificate on affidavit only on 28.03.2019, that is, more than two months after the sanction of the case by the Accountant General. Thus, the applicant herself is responsible for delay, if any, in payment of GPF to her. Therefore, no claim for interest on GPF is made out.

20. In view of foregoing discussion and the specific facts and chronology of this case, I do not consider that the judgements relied upon by the applicant's counsel are relevant here.

21. In view of all above, I do not find merit in the OA. The OA is dismissed. There shall be no order as to costs.

(Ajanta Dayalan)
Member (A)

Place: Chandigarh
Dated: December 18th, 2020
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