

CENTRAL ADMINISTRATIVE TRIBUNAL**CHANDIGARH BENCH****(order reserved on 15.3.2021)**

O.A.No.060/0563/2019

Chandigarh, this the 17th day of March, 2021**CORAM: HON'BLE MRS. AJANTA DAYALAN, MEMBER (A)**

Baljinder Kaur, age 60 years D/o Late Sh. Mohinder Singh W/o Sh. Tarsem Singh, Junior Assistant (Retired), Group 'C' Law and Prosecution Department, U.T. Chandigarh resident of House No. 2367, Sector 24-C, Chandigarh-160024.

(BY ADVOCATE: MR. R.K.SHARMA)

Applicant

Versus

1. Union Territory, Chandigarh Administration through Secretary Law, U.T. Secretariat, Sector 9, Chandigarh-160009.
2. Home Secretary, Union Territory, Chandigarh Administration, U.T. Secretariat, Sector 9, Chandigarh-160009.
3. Legal Remembrancer-cum-Director of Prosecution, Law and Prosecution Department, Chandigarh Administration, U.T. Secretariat, Sector 9, Chandigarh-160009.
4. Principal Accountant General (A&E), U.T. Sector-17, Chandigarh-150017.

**(BY ADVOCATE: MR. ASEEM RAI FOR RESPONDENTS
NO.1TO3
MR. I.S.SIDHU FOR R.NO.4)**

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Respondents



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

This Original Application has been filed by the applicant Baljinder Kaur seeking quashing of the order dated 27.9.2018 (Annexure A-1) whereby her request for payment of interest on account of delay in releasing the retiral benefits and the GPF has been declined. It is further requested that the respondents be directed to pay interest to the applicant @ 18% per annum on the delayed payment.

2. It is observed that the issue in this case is limited to payment of interest on delayed payment of retiral dues. The facts are not in dispute. It is admitted by both the sides that the applicant retired on 30.9.2016 while working as Junior Assistant in Law & Prosecution Department, Union Territory, Chandigarh.

The dates of payments of her retiral dues are as follows :-

Sr. No.	Particulars	Amount	Date of sanction	Date of payment
1	Leave Encashment	Rs.4,58,550	04.11.2016	17.11.2016
2	Pension	-	06.03.2017	Date of receipt in respondent department 10.03.2017
3	DCRG	Rs.7,56,608		31.03.2017
4	GPF	Rs.29,57,085	15.05.2017	19.06.2017
5	CGEHIS	Rs.29,716		21.09.2018

It is observed that both the parties agree that there was delay in payment of retiral dues to the extent indicated above.

3. The only difference is that the applicant is pleading that the delay is wilful and intentional on the part of the respondents. Hence, she pleads that the respondents are liable for payment of interest to her @ 18% per annum.



4. The learned counsel for the applicant further pleads that in any case this amount was lying with the government for the additional period with corresponding loss to the applicant who lost interest on these amounts even if she had kept the same in FD or Saving Bank account.

5. On the other hand the respondents have pleaded that the delay was not at all intentional or wilful. Rather, the same was attributable to the applicant. They have stated that the case of the applicant was processed on priority basis. They have also stated that the vigilance clearance in her case could be obtained only on 20.7.2016. The applicant submitted documents which were not complete at all. Later, additional documents had to be obtained and certain formalities had to be completed for which the respondent department had to make a number of visits even to the residence of the applicant for getting papers completed. The sanction could be granted only after completion of formalities as per details given above. However, the delay was attributable to the applicant because the papers given by the applicant were not complete. They have specifically stated that signatures of witnesses and attested photographs were not available. On 24.1.2017 her photographs were ultimately got attested from her residence after multiple efforts and after visiting her residence.

6. The respondents have also stated that the communications dated 1.10.2017 and 6.4.2018 were never received by them and they appear to be after thought.

7. Finally, the respondents have concluded that there was no extraordinary delay in any of the cases on their part and



the reasons were attributable to the applicant herself and as such, the O.A. does not have any merit and deserves to be dismissed.

8. I observe that there is delay in payment of retiral benefits. I also find that document dated 27.9.2018 (Annexure A-1) is a speaking order. It clearly states that office of A.G. U.T. Chandigarh informed that there is short coming of 3 specimen signatures, photographs duly attested and affidavit from the retiree declaring therein that the excess payment, if any made to her, would be liable for its refund along with interest. In fact, this letter further goes on to say that these documents were personally collected on 21.4.2017 and submitted personally in the office of Accountant General, U.T. Chandigarh. Thereafter, sanction of A.G., U.T. was received on 17.5.2017. This letter, thus, supports the version of the respondents completely in regard to the GPF at least. If the attested photographs and signatures etc. were found wanting even when the case reached the office of Accountant General, the applicant cannot be absolved of the responsibility in this regard.

9. I find that the applicant has in her pleadings stated that the respondents are duty bound under the law to process the pension case of the retiree in advance and to complete all the formalities in advance so that retirees can be paid his/her retiral dues in time. Though this could be true to a certain extent, it is equally true that before the respondents can process the case of a retiree, the retiree himself/herself has to complete all the formalities and submit complete pension papers to the



department well in time – that is 6 months prior to his/her retirement.

10. In the instant case, a query was asked in the Court as to when the applicant submitted her pension papers in complete form. There was, however, no categorical reply. Instead it was only responded that it was responsibility of the respondents to get the same completed in time. I do not find any clear cut evidence to prove or disprove either the applicant or the respondents version, except as discussed above. Hence in view of the version of Accountant General's office itself, it is clear to me that there were shortcomings in the pension papers which could be directly attributable only to the applicant, I do not find much force in the applicant's version that the delay was exclusively attributable to the respondents.

11. I also observe that the delay in this case is of about one month in case of leave encashment, which is nominal. In case of GPF, though the delay is of about 8-9 months, but the evidence in Annexure A-1 clearly proves that the delay is attributable to the applicant. Regarding pension and DCRG, again even though Vigilance certificate was obtained on 20.7.2016 – that is prior to retirement of the applicant, but some discrepancies were noted which had to be completed and finally the photographs etc. were got attested on 24.1.2017. Sanction for pension was issued on 6.3.2017 and was received in the respondent department on 10.3.2017. The same is statedly the position with regard to DCRG. As such, even here there can be no delay which can be directly attributable exclusively to the respondents.



12. In view of the above I do not find much force in the claim of the applicant that the delay in payment of retiral dues is wilful and intentional and is solely attributable to the respondents. In fact, I find that the respondents have taken proactive action for settlement of retiral dues of the applicant despite discrepancy in the pension papers submitted by her and the additional documents which needed to be obtained or formalities which needed to be completed.

13. In the face of the specific facts of this case where the applicant herself is responsible for delay in completion of pension papers, the reliance placed by her upon various judgements of the Courts is misconceived. The facts of those cases are clearly distinguishable.

14. In view of all above, I find no justification at all in the claim made by the applicant in the O.A.

15. The OA being devoid of merits, is dismissed.

16. There shall be no order as to costs.

**(AJANTA DAYALAN)
MEMBER (A)**

Place: Chandigarh
Dated: 17.03.2021

HC*