



CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

O.A. No. 060/1305/2018

(Order reserved on 18.02.2021)

Chandigarh, this the 24th day of February, 2021

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

Gursharan Kaur age 58-1/2 years w/o Sh. Kuldip Singh, Retired Superintendent Grade-II, O/o Executive Engineer, Capital Project Division No. 3, Sector 16, Chandigarh, resident of House No. 373 Phase-11, SAS Nagar, Mohali (Punjab)-160 062 Group-B.

.....Applicant

By Advocate: Mr. Barjesh Mittal

Versus

1. Union Territory, Chandigarh Administration through its Secretary, Engineering Department, U.T. Civil Secretariat, Sector 9-D, Chandigarh 160 009.
2. Chief Engineer, Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Sector 9, Chandigarh 160 009.
3. Superintending Engineer, Construction Circle No. II, Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Sector 9, Chandigarh 160 009.
4. Executive Engineer, Capital Project Division No. 3, Union Territory, Chandigarh Administration, Sector 16, Chandigarh 160 015.

.....Respondents

By Advocate: Mr. Vinay Gupta

ORDER

AJANTA DAYALAN, Member (A):

1. The present OA has been filed by the applicant Gursharan Kaur seeking disbursement of admissible pension and



other pensionary benefits to her alongwith penal interest @ 18% p.a.

2. The applicant was due to retire on attaining the age of 58 years on 31.05.2018. The applicant has stated that she was not interested in seeking extension in service of two years beyond her date of retirement. As such, she submitted her application on 02.04.2018 (Annexure A-3) intimating her refusal for seeking extension. Consequently, vide office order dated 30.05.2018 (Annexure A-1), she was retired from service on 31.05.2018.

3. The applicant has further stated that on 27.03.2018 (Annexure A-4), she submitted her complete pension papers for sanction of pension and gratuity.

4. The applicant has further submitted that there were two anonymous complaints against her – one by Suryodya Tiwari dated 20.09.2017 and another by M.S. Goklani dated 26.09.2017. She submitted her replies to both the complaints and on 07.05.2018 (Annexure A-5) the complaint dated 20.09.2017 was consigned to record being anonymous. Similarly, the second complaint dated 26.09.2017 was also consigned to record.

5. A complaint was also made by Naresh Kumar dated 06.10.2017. After submission of her reply, the Executive Engineer CP Division No. 3, Chandigarh-respondent No. 4 recommended on 27.12.2017 (Annexure A-7) to respondent No. 3 that the complaint is false. Respondent No. 3 also vide its memo dated 09.08.2018, recommended that the complaint be



filed. The complainant has stated that the final order on this complaint is not known to her.

6. The applicant has further stated that she has an unblemished service record throughout her career except for these complaints. No charge sheet or memo was issued to her and no vigilance case was initiated till her retirement on 31.05.2018.

7. The applicant filed this OA on 25.10.2018. In the OA, she has stated that the respondents have not prepared her pension case and she has still not been paid her retiral dues. Hence this OA.

8. During the pendency of the OA, the respondents have released all her retiral dues. Relevant sanctions have been attached as annexures to the short reply filed by the respondents on 19.09.2019.

9. I have heard both the counsel of the opposing sides and have also gone through the pleadings. I have given thoughtful consideration to the entire matter.

10. I observe that the substantial relief sought in the OA is for release of pension and retiral dues to the applicant. These have already been released to her as stated by the respondents in their short reply. Even counsel for the applicant did not raise any issue regarding the amount released to her by way of pension and other retiral dues.

11. During arguments, the counsel for the applicant only stated that the applicant needs to be given interest for the delayed payment. He further stated that the pensionary dues



could not be released in time only because the respondents have not issued the vigilance clearance in time. However, he relied on order dated 14.12.2007 (Annexure A-8) by Government of India whereby vigilance clearance is not to be withheld due to filing of a complaint unless the preliminary inquiry prima facie finds some substance in verifiable allegations made in the complaint. Even when such vigilance inquiry is made, vigilance clearance cannot be withheld if such vigilance inquiry takes more than three months to complete. Counsel for the applicant therefore submitted that the respondent department had sufficient time prior to retirement of the applicant to take a view and there was no justifiable ground for delay in clearance by vigilance in case of the applicant. He further stated that there was no charge sheet or other vigilance case pending against the applicant and as such, there was no justifiable ground whatsoever to delay the release of retiral dues especially in view of Government instructions quoted. He, therefore, concluded that the applicant deserves interest on the delayed payment.

12. I observe that the applicant retired on 31.05.2018. The retiral dues have been paid to her as on date. GPF amount of Rs. 10,80,545/- has been paid in June 2018. Earned leave encashment amounting to Rs. 8,16,940/- has been paid in January 2019. Gratuity of Rs. 10,00,000/- has been paid to him in April 2019. Similarly, CGEIS amount of Rs. 57,408/- has been paid in April 2019. GPF was paid without any delay. All other retiral dues have been paid in January and April 2019.



13. I also observe that though the applicant is pleading that delay is on account of non-issuance of vigilance certificate in her favour, the same is nowhere brought out on the basis of pleadings made by the respondents. They have in fact not given any reason for delay in disbursement of retiral dues. Even the annexures enclosed by the applicant do not indicate that non-clearance of the vigilance angle was the reason for the delay. It was at best her conclusion that the delay was due to three complaints made against her – two in September 2017 and one in October 2017. The two complaints of September 2017 were already ordered to be consigned to record by competent authority well before her retirement. Even in the third one, respondent No. 4 and then 3 both recommended the same to be filed. No charge sheet or memo was issued based on that to the applicant. In fact, the respondents in their correspondence on this complaint have suggested action against Naresh Kumar, Peon himself who made the complaint for leveling false allegations against his superiors.

14. In view of above, I do not believe that pending complaints were the reason for any delay in the disbursement of retiral dues.

15. I observe that the applicant was to retire on attaining the age of 58 years on 31.05.2018. However, she had the option to continue beyond her normal age of retirement. She exercised this option only on 02.04.2018 (Annexure A-3). It was only thereafter that she was retired on 31.05.2018 vide order issued on 30.05.2018 (Annexure A-1). Further, the



applicant has herself stated in her OA that she submitted her complete pension papers on 27.03.2018 (Annexure A-4) – that is only two months prior to her normal date of retirement. As the processing of pension papers involves verification of the whole service record again and has to pass through many channels, normally, the Government servants are supposed to submit their pension papers six months prior to their retirement. However, in the instant case, the applicant has herself submitted her pension papers only about two months prior to her retirement. Moreover, she exercised the option not to take extension beyond date of retirement only on 02.04.2018 (Annexure A-3). This also resulted in issuance of her retirement notification only on 30.05.2018 (Annexure A-1). Besides, for three months' delay, normally no interest is granted for delayed payment.

16. In view of the above facts, I note that for delay in retiral dues, the applicant herself is also responsible. Substantial relief of releasing of retiral dues sought in the OA has already been granted to her by the respondent department during the pendency of the OA itself. As such, no further relief by way of interest on delayed payment is justified. Therefore, OA is disposed of as substantive relief prayed for has already been granted to the applicant.

17. There shall be no order as to costs.

(Ajanta Dayalan)
Member (A)

Place: Chandigarh
Dated: February 24th, 2021
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