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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 1415/1991

Date of decision:19.08.1992.

Shri C.P. Bahl

...Applicant

Vs.

Delhi Administration & Others

...Respondents

For the Applicant

...Shri K.N.R. Pillay,
Counsel

For the Respondents

...Shri M.C. Garg,
Counsel

CORAM:

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

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

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

JUDGMENT (ORAL)

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

We have heard the learned counsel of both parties.

The grievance of the applicant is that the respondents did not release his pension, gratuity and other retirement benefits despite the fact that he had complied with all the necessary formalities and had produced the 'No Demand Certificate' from Deputy Medical Superintendent. The learned counsel for the respondents submits that there was vigilance enquiry against the applicant in respect of serious

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alleged irregularities.

2. In our opinion, even in a case where there is a vigilance enquiry or investigation against a retiring Government servant, there is no justification to hold up payment of pension, gratuity and other retirement benefits. The only circumstance in which gratuity could be withheld is under Rule 69 of the CCS(Pension) Rules, 1972, namely, the pendency of a disciplinary proceeding or a criminal case pending against the applicant at the time of retirement. Admittedly, there were no such proceedings against the applicant in the instant case.

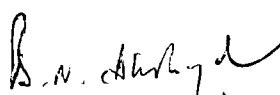
3. The learned counsel for the applicant has produced before us a chart, according to which, a sum of Rs.51,359/- towards gratuity was due on 1.8.1990 but it was released to him only on 26.8.1991 after a delay of one year and 26 days. A sum of Rs.21,690/- was released to him on 6.4.1992 after a delay of one year and 8 months but was due on 1.8.90. Similarly, there had been delay of some months in releasing the provisional pension to him which was due every month from 1.8.1990. We are of the opinion that the applicant should be paid ^{of} gratuity and provisional pension [&] interest on such delayed payment ^{after} deducting from the provisional pension the commuted value of pension for each month. Interest should also be paid

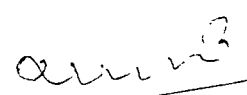
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on the commuted value of pension amounting to Rs.1,59,787/- for the delay in releasing the same to the applicant from 1.8.1990 to 3.12.1992. Similarly, interest is to be paid for the delayed payment on leave encashment amounting to Rs.78,848/- due to him on 1.8.1990 but was paid on 27.12.1990.

4. In the facts and circumstances we allow the application and direct the respondents to calculate the interest at the rate of 12% per annum on the aforesaid amounts and release the same to him by crossed cheque as expeditiously as possible and preferably within a period of 3 months from the date of receipt of this order.

There will be no order as to costs.


(B.N. DHOUNDIYAL)
MEMBER (A)
19.08.1992


(P.K. KARTHA)
VICE CHAIRMAN(J)
19.08.1992

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