

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A NO.176/2004

New Delhi, this the 22nd day of January, 2004

HON'BLE MR. SARWESHWAR JHA, MEMBER (A)

Raj Rani Dutta,
B-81-A, Kalkaji,
New Delhi

(By Advocate : Shri Jagjit Singh)

... Applicant

Versus

1. Govt. of NCT
Through Chief Secretary,
I.P. Estate,
New Delhi

2. Labour Commissioner,
Govt. of N.C.T. of Delhi
New Delhi

... Respondents

O R D E R (ORAL)

Heard the learned counsel for applicant.

2. The applicant has preferred this Original Application against the action of the respondents, whereby they have not fixed or paid the pension and pensionary benefits to the applicant who had retired on superannuation on 31.1.2003. While submitting the case, the learned counsel for the applicant has referred to the decision of the Hon'ble High Court in the matter of regularising the services of the applicant and other related matters. It transpires from the submissions of the learned counsel for the applicant that the applicant had filed a Civil Suit in the Hon'ble High Court of Delhi against the respondents having not made the payment of pensionary benefits to the applicant after she had retired on superannuation. The Hon'ble High Court, however, while

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disposing of the Contempt Petition, directed the applicant to approach the appropriate forum and hence this OA.

3. It is observed that the applicant has submitted a letter to the respondents on 30th September, 2003 (Annexure A-5) in which a specific mention has been made to the effect that the pensionary dues including Commutation value of her pension, DCRG, Leave Encashment etc have not been paid to her inspite of the matter having been decided by the Hon'ble High Court in Civil Writ Petition No.1386/2000 vide orders dated 5.12.2001 and 1.2.2002. She has already submitted the necessary pension papers as required under the Rules and there is nothing pending with her in this regard.

4. After having considered the facts and circumstances of the case and also particularly the fact that the matter has already been decided by the Hon'ble High Court and ^{new} there is nothing ~~in~~ in this case, it is viewed with serious concern that the respondents have ~~delayed~~ payment of pensionary dues including other benefits as mentioned above for such a long period. There appears to be no reason why these payments have not been released by the respondents to the applicant as soon as necessary formalities were completed by the respondents in this regard. The respondents should be aware of the fact that pensionary benefits are to be paid to the retired employees without any further delay, as held by the various Hon'ble Courts. This OA is accordingly disposed of at this stage itself while hearing on the point of admission without issuing notices to the respondents with a direction that they

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consider the representation of the applicant as already submitted to them and release the pensionary dues, about which there appears to be no dispute, most expeditiously and in any case within two months from the date of receipt of a copy of this order.

5. With this, the OA stands disposed of in the aforesated terms.

Sarweshwar Jha

(SARWESHWAR JHA)
MEMBER (A)

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