

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
* * *

23.09.1992

OA 1823/92

Shri C.R. Kaushik

...Applicant

VS.

Union of India & Ors.

...Respondents

CORAM :

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Shri S.K. Shukla, Counsel

For the Respondents

...Shri K.M. Sharma, Asstt.,
Departmental Representative

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? L

JUDGEMENT (ORAL)
(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J))

The applicant, Shri C.R. Kaushik has since retired from service on 5.11.1991 on completing the age of superannuation of 60 years, while he was employed as Vice-Principal with the Directorate of Education, Delhi Administration. The grievance of the applicant is that though he has been granted the selection grade by the order dt. 1.8.1991 w.e.f. 1.1.1986, but the same benefit has not been given to him till the date of his superannuation. The applicant has made a representation to the Principal by hand and also sent a written representation to the Director of Education on 18.2.1992 annexed to the application as Annexure A3. In this application, the applicant has claimed the relief that the respondents be directed to fix the selection scale of

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the applicant in the pay scale of Rs.2200-4000 and then refix his pay as Vice Principal and further to calculate the applicant's retirement benefits and make payments on account of commutation, gratuity, OGEIS and leave encashment due to the applicant. He has also claimed for the interest at the rate of 12% with arrears of pension from 6.11.1991.

Notices were issued to the respondents. The respondents were given time to file the reply. Today, the departmental representative, Shri K.M. Sharma, Assistant, Directorate of Education appeared. He stated that the orders for grant of selection grade to the applicant had already been passed by the order of the Administrative Officer on 10.9.1992 which took effect w.e.f. 1.1.1986. In view of this order dt. 10.9.1992, the relief No.(a) prayed for by the applicant stands allowed. Only what remains is the payment of actual amount along with the arrears upto the date of superannuation. As regards relief Nos.(b) and (c), the applicant himself has not filled up any forms with the respondents and so the respondents cannot be blamed for the own lapse of the applicant. The sanction and grant of the selection grade is totally different from the payment of the terminal benefits. In view of this fact, only direction can be issued to the respondents to expedite the issue of the necessary order for payment of pension, gratuity etc. within a limited period.

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In view of the above facts, the application is disposed of at the admission stage as follows :-

- (a) The respondents are directed to compute the arrears of pay of the applicant due to him on account of the grant of the selection grade by the order dt. 10.9.1992, a copy of which has been taken on record w.e.f. 1.1.1986.
- (b) The applicant shall fill up the necessary forms required to be filled up by a retiree for the grant of terminal benefits including pension and in case the applicant does so on the form being provided by the respondents, the respondents are directed to calculate the pension and other benefits and sanction and pay the same within a period of three months from today. The applicant may also nominate the bank to which he wants the said amount to be credited by the respondents.
- (c) If the applicant is still aggrieved, he can come again. The order has been dictated in presence of the departmental representative, who shall communicate the same also orally to the concerned authorities.

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(d) In the circumstances, the parties shall bear their own costs.

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(J.P. SHARMA)
MEMBER (J)
23.09.1992