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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

New Delhi this 23rd November, 1993.

OA No. 2088 of 1992.

Hon'ble Mr.S.R.Adige Member (A)

Shri R.P.Govil
son of Shri(late) Shyam Lal Govil
r/o 73, Shanti Vihar,
Delhi -110092

.....Applicant

Versus

1. Secretary (Education),
Delhi Administration,
Old Secretariat, Delhi.
2. Director of Education,
Delhi Administration,
Old Secretariat, Delhi.

.....Respondents.

ORDER (ORAL)

Shri Inderjit Sharma, learned counsel for the applicant is present.

None for the respondents.

The applicant Shri R.P.Govil is a retired Principal of a School in Delhi. He retired on 28.2.92. His prayer is to allow him the full retiral benefits taking into account the entire period of service rendered by him from 2.11.53 to 28.2.92 together with interest at the rate of 18% per annum on account of delayed payment.

2. From the applicant's own averments, it appears that the respondents had not counted the service rendered by him as TGT and PGT from 2.11.53 to 5.3.69 on the ground that his service-book was not traceable and had counted his pension taking into account the service rendered by him as Principal only, from 6.3.69 upto the date of his retirement i.e. 28.2.92.

3. On 7.1.93, this Tribunal had directed that the petitioner be paid provisional pension reckoning his

qualifying service from the date he joined as TGT and in the meanwhile the respondents had been directed to file their counter affidavit. In their counter affidavit, the respondents have stated that the delay in finalisation of retiral benefits of the applicant had occurred because his service-book for his non-gazetted service got misplaced on his appointment as Principal 22 years ago for which at that stage no responsibility could be fixed.

4. During hearing, the learned counsel for the applicant has shown me a copy of letter dated 27.8.93 from the Directorate of Education, Delhi addressed to the Pay & Accounts Officer, R.K.Puram, New Delhi in which it was stated that the service-book for the period commencing from 2.11.53 to 29.2.93 had been located and was attached. In that letter, it was further stated that some portion of the service was not verified due to non-availability of record but even if the said period was deducted, the total service would be of more than 33 years. The Directorate of Education had called upon the Pay & Accounts Officer to finalise the applicant's case immediately as the retiree was pressing hard.

5. As the service book for the period from 2.11.53 onward has been traced, even if some portion of the said period has not been verified due to non-availability of service-book, it is noted that the applicant has put in more than 33 years of service which will qualify him for full pension. The respondent therefore, are directed to take vigorous steps to ensure that all the retiral benefits finally due to the applicant consequent to his putting in more than 33 years of service, are paid to him after adjusting what has already been paid, within three months of

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the date of receipt of a copy of this order. The respondents are also directed to pay interest at the rate of 12% per annum on unpaid leave salary, unpaid arrears of pension and unpaid commuted value of pension with effect from the date of retirement i.e. 28.2.92, or the date of application made to the concerned authorities by the retiree, fully supported by all the necessary clearances he is required to furnish, whichever is later, till the date of actual payment. A memo of calculations should also be furnished to the applicant at the time when payments are made.

6. No costs.

Anil Singh
(S.R.A.D.I.G.E)
MEMBER (A)

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