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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2370, 2371 and 2380 of 1993. 11.3.94

SHRI J.P.SHARMA, MEMBER(J).

Shri S.P.Joshi,
(Retired Head Clerk),
Maulana Azad Medical College, New Delhi,
R/o: House No.524/IB, Street No.2,
Block No.6, Vishwas Nagar,
Shahdara, Delhi-110032. ...Applicant

(Through Shri S.C.Jain,
Advocate)

Versus

1. Lt. Governor,
Government of National Capital Territory
of Delhi,
5, Sham Nath Marg, Delhi.

2. Secretary (Services),
Government of National Capital Territory
of Delhi,
5, Sham Nath Marg, Delhi.

3. Dean,
MaulanaAzadMedical College,
Bahadur Shah Zafar Marg,
New Delhi-110002. ...Respondents

(Through Ms. Maninder Kaur, Advocate)

O R D E R(ORAL)

The applicant last served in Maulana Azad Medical College as Head Clerk, a grade II post of DASS and superannuated on 31-5-93. The applicant has a grievance that inspite of his retirement, he has not been paid the pension and gratuity for which he has filed OA 2370/93. He has also not been paid the commutation of pension and for that,

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he has filed OA 2371/93 and in the OA 2380/93, he has prayed for cash payment equivalent of leave salary of earned leave due at the credit of the applicant to the maximum days, be ordered to be paid by the respondents.

2. A notice was issued to the respondents who contested the application and filed the reply which is almost the same in the aforesaid applications. The applicant has also filed the rejoinder separately reiterating the facts averred to in the original application stating that he had already applied for grant of pension on 1-3-93 in the prescribed proforma and so also for the grant of cash equivalent to leave encashment.

3. Since all these applications relate to the retirement benefits, these are taken together and disposed of by a common judgment.

4. Undisputedly, retiree is entitled to ~~minimum~~ grant of retirement benefits but the grant of the same has been delayed by the respondents. In the reply, it has been averred that during the course of his employment, the applicant has served in

various organisations of Delhi Administration and it had taken certain time for verification of the service qualifying for pensionary benefits and still the requisite information could not be gathered inspite of reminders sent to the departments and also messages through personal messengers. Be that as it may, the respondents are duty bound to pay the retirement benefits to the applicant as expeditiously as possible, otherwise they have to incur the risk of paying the interest on withheld amount of pensionary and other retirement benefits which have become to be paid to the applicant on his retirement. These benefits have accrued to the applicant on account of his past service he rendered with the respondents. During the course of the arguments, the learned counsel for the respondents has stated that there was a reference to a ~~dark~~ draft chargesheet as per note of the Vigilance Department dated 21-4-92 whereby some expert advice was sought. However, it is not stated that during the course of his service, any chargesheet has been served on the applicant. Now, disciplinary proceedings can only be drawn under rule 9 of the CCS (Pension) Rules, 1972. The reply of the respondents does not reveal any such fact

and they are still on a roving inquiry regarding the verification of ~~his~~ he qualifying service of the applicant for grant of pension, gratuity and leave encashment.

5. The action of the respondents, therefore, is not just and fair. But, in view of certain averments made on verification on behalf of the respondents and said to be signed by Shri A.K.Gupta through signatures are not ~~traceable~~ legible and nor the name of the person verifying has been shown at the bottom of the reply but taking the statement of the learned counsel for the respondents as correct statement of fact, it is expected that in the reply, the respondents should have made it clear as to why the provisional pension has not been sanctioned when the employee was retired and ~~as~~ he has no source of livelihood for himself and his family.

6. All these applications are, therefore, disposed of with the direction to the respondents to process the case of the applicant for grant of gratuity, pension/provisional pension, commutation and cash equivalent to the leave due to the

applicant within a period of three months from the date of receipt of a copy of this Order. The respondents shall consider for the payment of interest, according to the rules. No costs.

(J.P.SHARMA)
MEMBER (J)

/KALRA/