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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.2411/1993

This 18th day of August, 1994

Hon'ble Mr. A.V. Haridasan, Member (J)

P.S. Grewal,
R/o 113, DDA Flats,
Mall Road,
Delhi-110054

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Applicant

By Advocate: Shri M.M. Sudan

VERSUS

1. The Lt. Governor,
N.C.T. Of Delhi,
Raj Niwas,
Delhi.
2. The Director of Education,
Government of N.C.T. of Delhi,
Old Secretariat,
Delhi.

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Respondents

By Advocate: Shri Jog Singh

O R D E R (Oral)

(By Hon'ble Mr. A.V. Haridasan, M(J))

The applicant, who retired on superannuation on 31.8.1993, has prayed in his application for the following reliefs:

- (a) to quash the orders of respondents No.2 dated 29.9.1993 (annexure A-4);
- (b) to direct the respondent No.2 to release full pension, gratuity and other retiring benefits to the applicant;
- (c) to direct the respondents to pay interest @18% p.a. for the period of delay in granting full pension, gratuity etc.

2. It has been averred in the application that though no departmental proceedings or judicial proceedings were pending against the applicant ~~either~~ on the date of retirement, the respondents have illegally with-held the

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entire gratuity, leave encashment and pension and it is under these circumstances that this application has been filed.

3. In the counter reply the respondents have contended that as an inquiry was pending against the applicant, a decision was taken to withhold the gratuity of the applicant and grant him provisional pension in accordance with Rule 69 of CCS (Pension) Rules 1972 and that therefore the applicant is not entitled to any ^{delay} ~~interest~~ as the matter was being investigated.

4. In the rejoinder the applicant has reiterated the fact that no disciplinary proceedings or judicial proceedings have been initiated even on date.

5. The controversy involved in this case has been narrowed down to a considerable extent, since excepting ^{claimed} Rs.63,160/- as leave salary and an amount of Rs.1000/- out of the DCRG, the remaining dues have already been paid to the applicant. Now what remains to be paid is the claim ^{the leave encashment} of the applicant for Rs.1000/- being balance of DCRG, and [~] interest on delayed payments. As far as the sum of Rs.1000/- being the balance of gratuity is concerned, the learned counsel for the respondents states at bar in the presence of the official representative that sanction for payment of this amount has been accorded by the competent authority.

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5. Now, we do not see any justification for withholding payment of leave encashment to the applicant for a long time. Admittedly, there is no departmental or judicial proceedings pending against the applicant. As admitted at the bar by the learned counsel for the respondents, so far no charge-sheet has been issued to the applicant for any misconduct. *No criminal charge also has been filed* Therefore, it is obvious that no departmental or judicial proceedings are pending against him. I am, therefore, of the considered view that there is absolutely no justification on the part of the respondents to withhold the payment of the amount of leave encashment to the applicant.

6. The pension and gratuity payable to the applicant have been paid ^{long} after the applicant retired on superannuation on 31.8.1993. The gratuity, pension and leave encashment etc. should have been settled and paid atleast on a date not later than three months from the date of his superannuation. Therefore I find that the applicant is entitled to payment of interest @12% per annum from the date of expiry of three months after the date of retirement. In a result, the application is disposed of with a direction to the respondents to pay to the applicant the amounts due to him by way of leave encashment and interest thereon as also on the delayed (other than commuted value) payment of pension/and gratuity at the rate of 12% p.a. from the date of expiry of three months after the date of his retirement till the date of actual payment.

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These directions should be complied with within a period of three months from the date of receipt of a ~~certified~~ copy of this order. The parties are left to bear their own costs.



(A.V. Haridasan)
Member (J)

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