

Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD**

**Original Application No. 609 of 2004**

Thursday, this the 25<sup>th</sup> day of January 2007

**Hon'ble Mr. M. Jayaraman, Member (A)**

Babu Lal, Son of Shri Late Badal, Resident of Village Tharwai Thakran, Post-Tharwai, District-Allahabad.

**Applicant**

**By Advocate Shri Pankaj Srivastava**

**Versus**

1. Union of India through Director General, C.P.W.D., Nirman Bhawan, New Delhi.
2. Superintending Engineer, C.P.W.D., 841, University Road, Allahabad.

**Respondents**

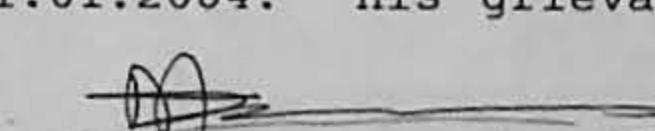
**By Advocate Shri R.C. Shukla**

**O R D E R**

**M. Jayaraman, Member (A)**

In this O.A., the applicant has sought the following reliefs namely to issue direction to the respondents to release the retiral benefits to the applicant including pension of the applicant together with interest of 18% per annum.

2. The brief facts of the case here are that the applicant was appointed as a Peon on 16.01.1964 and he was promoted on ad hoc basis as Ferro Printer on 02.03.1981 and thereafter he was promoted on ad hoc basis on the post of Draftsman Grade III w.e.f. 15.06.1987 in the pay scale of Rs.1200-2040/-. However, vide letter dated 18.09.2002, he was reverted to the post of Ferro Printer. Aggrieved by the above, the applicant filed Original Application No.1101 of 2002, challenging the Order, as above, which was disposed of by the Tribunal vide letter dated 10.07.2003 quashing the impugned order dated 18.09.2002 passed by the respondents with direction that the applicant should be treated as regularly selected candidate Draftsman Grade III and that he would be entitled for all consequential benefits including pay and seniority. The applicant retired from service on 31.01.2004. His grievance is that he has not been

  
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fully paid the retiral benefits due to him, hence the present O.A.

3. Heard Shri Pankaj Srivastava, Counsel for the applicant and Shri R.C. Shukla, Counsel for the respondents.

4. The main plea of the applicant is that even though he retired from service on 31.01.2004, he has not been paid the dues on retirement to which he is legally entitled and that he was not given his pension and so direction should be issued to the respondents for doing the needful together with interest of 18%.

5. The respondents have opposed the O.A. by saying that the Assistant Engineer, C.P.W.D., Allahabad vide letter dated 20.11.2003 informed the applicant that his superannuation was on 31.01.2004 and so he should submit his pension form in 3 sets. However, the applicant submitted his pension form in 3 sets only on 07.04.2004. After processing the same, the papers were forwarded to Pay and Account Office, Department of the (NZ) CPWD, R.K. Puram, New Delhi immediately thereafter on 28.04.2004 for sanctioning the same. The pension was sanctioned vide Order dated 26.07.2004 and accordingly the following benefits were paid to the applicant on the dates indicated in column 4 below: -

Sl. No.	Particulars	Amount	Paid on
(1)	(2)	(3)	(4)
1.	Death Cum Retirement Gratuity	Rs.1,37,138/-	Paid on 23.09.04, vide DD No.163929 dt. 09.09.04
2.	Commutation of Pension	Rs.1,21,958/-	Paid directly to the nominated Bank by cheque by PAO on 26.07.2004
3.	Final G.P.F.	Rs.62,437/-	Paid on 03.01.2005 vide D.D. No175689 dated 07.12.04
4.	Withheld amount from DCRG	Rs.1000/-	Paid on 03.01.2005 vide DD No175696 dt.07.12.04
5.	Encashment of Leave plus CEEGIS Bill	Rs.83720/- Rs.12742/- =Rs.96462/-	Paid on 08.06.2004 vide DD No157423 dt.26.05.2004

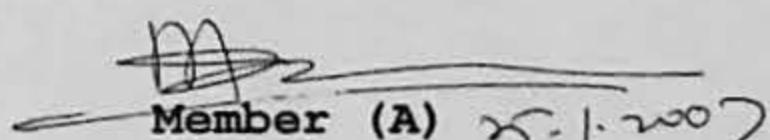
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The respondents have also enclosed a copy of the acquittance roll register evidencing the above-mentioned facts, showing the signatures of the applicant on revenue stamp (annexure-7 to the counter affidavit).

6. I find force in the above plea of the respondents. From the narration of events and dates of payment, as shown above, it is clear that if anyone is to be blamed, it is only the applicant and not the respondents for the delayed payment of retiral dues. Thus, the delay has occurred only due to non-submission of pension papers in time by the applicant. Even though by letter dated 20.11.2003, the Assistant Engineer had notified the applicant about the date of superannuation and for filing the pension papers, the applicant is reported to have submitted the pension papers in 3 sets only on 07.04.2004.

7. In view of the above, I do not agree that there was undue delay on the part of the respondents in making payment, more so, because they have filed the relevant bill to the Pay and Accounts Office, New Delhi without much loss of time. For the same reasons there is no question of payment of any interest @ 18% as demanded by the applicant. Accordingly, the O.A. fails.

8. In the light of above discussion, I find no merit in the O.A., which is accordingly dismissed with no order as to costs.

  
Member (A) 25-1-2007

/M.M./