



## CENTRAL ADMINISTRATIVE TRIBUNAL

### CHANDIGARH BENCH

O.A.No.060/00469/2020

Order pronounced on: April 20, 2021  
(Order reserved on: 15.04.2021)

CORAM: **HON'BLE MRS. AJANTA DAYALAN, MEMBER (A)**

Shiv Narain S/o Sh. Doman Pal aged 56 years [husband of Smt. Sumitra Devi (since deceased)], resident of House No. 1186, Phase III, Saini Vihar, Baltana, District Mohali-144701-Group 'D'.

Applicant

(BY ADVOCATE: MR. RANJIVAN SINGH)

Versus

1. Union of India through Secretary, Department of Education, Govt. of India, North Block, New Delhi-110054.
2. Secretary, Department of School Education, Chandigarh Administration, U.T. Chandigarh-160009.
3. Director, School Education, Chandigarh Administration, U.T. Chandigarh Secretariat, Deluxe Building, Sector-9, Chandigarh-160017.
4. District Education Officer, U.T., Chandigarh, Vatika School Complex, Sector-19, Chandigarh-160019.
5. Principal, Govt. Model Sr. Sec. School, Sector-8B, Chandigarh-160009.

(BY ADVOCATE: MR. A. L. NANDA)

.. Respondents



**ORDER**  
**HON'BLE MRS.AJANTA DAYALAN, MEMBER(A)**

1. The present OA has been filed by the applicant Shiv Narain seeking release of amount of Rs.12,000/- towards Group Insurance Scheme along with interest @ 18% per annum for delayed payment. He has also sought interest @ 18% per annum on delayed payment of other retiral dues of pension, commutation of pension and Death-cum-Retirement Gratuity.
2. The facts of the case are undisputed. The applicant is the husband of Sumitra Devi, who was appointed as Aaya in Union Territory Education Department in 1989. Her services were regularized in 1990. After serving for around 27 years, she took voluntary retirement w.e.f. 27.2.2017. Shortly thereafter on 25.3.2018, she expired. Thereafter, the applicant has been pursuing the case relating to her retiral dues and Group Insurance Scheme.
3. Sumitra Devi gave notice for voluntary retirement on 27.11.2016. She was deemed to have voluntarily retired w.e.f. 27.2.2017. Order to this effect was issued on 14.4.2017 (Annexure A-1). She died on 25.3.2018.
4. The following retiral benefits were due to her :-
 

(a) Arrears of Pension	= Rs.2,19,000/-
(b) Commutation of Pension	= Rs.2,30,946/-
(c) DCRG	= Rs.5,58,756/-
(d) GIS	= Rs. 12,000/-(approx.)

While pension and commutation of pension were paid in April 2018, DCRG was paid only on 21.2.2019. GIS is yet



to be paid. These are the facts of the case and are not disputed.

5. As the applicant is basically claiming interest on delayed payment of retiral dues, it is important to go into some details in the chronology of events to understand as to cause of delay. This is important to note as to how far the applicant or his wife was responsible for delay and whether there was any avoidable or intentional delay on part of the respondents. This chronology is given in detail in the O.A. by the applicant himself. Some additional facts are given by the respondents in their reply. However, the submissions made by the applicant are not disputed by the respondents. These facts as brought out by both the applicant and respondents are given in the following paragraphs.
6. Consequent to the order dated 14.4.2017, Sumitra Devi submitted her pension papers to the Principal on 4.7.2017 (Annexure R-5). The Principal forwarded the same to the DEO vide letter dated 6.7.2017 (Annexure R-6). The DEO returned the same to Principal vide letter dated 12.7.2017 (Annexure R-7) with the remarks to attach Bank Undertaking Form, Single copy of pension case and Contact number and copy of PAN card. These were re-submitted to the DEO on 19.7.2017 (Annexure R-8). However, the same were again returned by DEO on 27.7.2017 for supply of two copies of specimen letter of undertaking. After complying with the same, the papers were again re-submitted to DEO on 22.8.2017 (Annexure R-10). These were forwarded by DEO to Accountant



General's office on 8.9.2017 (Annexure R-11). But the same were returned by Accountant General's office for want of following documents :-

- (a) Last Pay Certificate and no due certificate
- (b) Copy of three months notice and office order of voluntary retirement
- (c) Three copies of the pass port size photographs duly attested on the front side by the Pension Sanctioning authority.
- (d) Weightage of voluntary retirement in the calculation sheet.

These observations were conveyed by the Accountant General's office to DEO vide letter dated 31.10.2017 (Annexure R-12). After doing the needful, these pension papers were re-submitted to DEO on 23.11.2017 (Annexure R-13). The same were again forwarded to Accountant General on 21.12.2017 (Annexure R-14).

7. The sanction of the Accountant General was thereafter issued on 21.2.2018 for pension, commutation of pension and DCRG vide Annexures R-15, R-16 and R-17 respectively. These authorities were issued by Accountant General to PAO of the Central Pension Accounting Office.
8. However, before these sanction orders could be acted upon, Sumitra Devi died on 25.3.2018. The intimation of her death was given to the respondents only on 28.5.2018. Meanwhile pension and commutation of pension was already released to the deceased in April 2018.
9. On receipt of the intimation of death of Sumitra Devi, the respondent department on the same date itself asked the applicant to produce legal heir certificate by their letter



dated 28.5.2018 (Annexure R-19). In respondent thereto, no objection certificate by the daughter and son of the deceased was produced by the applicant on 3.7.2018 (Annexure R-20). This NOC was forwarded to the DEO by the Principal on the same date (Annexure R-21). Thereafter, Principal reminded to expedite the same on 13.9.2018 (Annexure R-22). Finally, the case was sent from DEO to the Accountant General's office on 21.11.2018 (Annexure R-24). The sanction of Accountant General in favour of the applicant was given on 3.1.2019 (Annexure R-25). To ensure implementation of this sanction, the applicant was asked to furnish cancelled cheque along with copy of PAN Card and NDC from the Assistant Controller F&A (Rents) on 15.1.2019 (Annexure R-27). The applicant submitted the PAN Card and cancelled cheque on 29.1.2019 (Annexure R-28). Thereafter, bill for payment of DCRG amounting to Rs.5,58,756/- was prepared on 12.2.2019 (Annexure R-29) and the amount was credited to the account of the applicant on 21.2.2019.

10. Pension and commuted pension were already paid to the applicant in April 2018 itself as admitted by the applicant himself. GIS is yet to be paid.
11. The above narration of the chronology is not disputed. Same is part of the written statement of the respondents and no rejoinder has been filed by the applicant. Even during arguments, the above facts were not disputed.



12. It is important to peruse these facts to understand the real reasons for delay and whether there was any avoidable or undue delay on part of either Sumitra Devi or the applicant or the respondents.
13. During arguments, the applicant's counsel has emphasized the arguments on the table given in para 4 (xix) of the O.A. whereby he has worked out the delay for different components w.e.f. 28.2.2017 till the date of disbursement. He has also contended that as the payments were undisputedly delayed, the applicant is entitled for penal interest thereon.
14. On the other hand, learned counsel for the respondents argued that there was no intentional delay on the part of the respondents. Firstly, he contended that the applicant is also claiming release of Group Insurance Scheme of Rs.12,000/- (approx.). However, this is not part of pensionary benefits under the Pension Rules and as such, this claim is not maintainable. Secondly, he has contended that the applicant has concealed the fact that the main reason for withholding Group Insurance Scheme amount is that the deceased did not produce No due certificate from Accounts Officer (Rents). This was despite three letters dated 22.11.2018, 20.1.2020 and 28.8.2020 having been issued to the deceased's family. These letters have been appended as Annexure R-1, R-2 and R-3. Hence they have concluded that the family of the deceased is itself responsible for delay in release of GIS amount. Thirdly, the respondents have stated that there is no intentional delay on their part. They have given chronology of



processing of the retiral dues by the respondent department. This chronology is already brought out in this order in the earlier paragraphs. The respondents have brought out that even though death occurred on 25.3.2018, the intimation of the same was given to them only on 28.5.2018. Immediately thereafter the applicant was asked to submit legal heir certificate which was produced only on 3.7.2018. Thereafter, case was processed and the payments were released to the applicant.

15. Finally the respondents have concluded that there was no intentional delay on their part and as such the O.A. deserves to be dismissed.
16. I have heard the counsel of opposing sides and have also gone through the pleadings. I have also given thoughtful consideration to the entire matter.
17. First of all, I observe that this case is not a normal retirement case. It is a voluntary retirement case. Hence, this case is not at par with the other cases normally governing payment of retiral benefits. This is true because in normal retirement cases the date of retirement is known to the department much before the actual occurrence of the event and they start processing the case of the retiring government employee well in advance. This preparation includes verification of his entire service record, determining the qualifying service, pay fixation at different points of time as well as other related matters like any disciplinary or vigilance case pending or decided against



him etc. In normal circumstances, six months are expected to be taken for completion of this process and hence the process for preparation of pension case of a government employee starts six months before the retirement is due. This process also includes even stoppage of GPF subscription in his account three months prior to his retirement so that accumulation of GPF is duly accounted for well before his retirement. All these processes are not possible in case of voluntary retirement where the retirement of the employee is not predetermined and all these preparatory work have to follow the retirement and not precede the retirement.

18. In the instant case, I notice that even though the wife of applicant is deemed to have retired w.e.f. 27.2.2017, the order for voluntary retirement was issued only on 14.4.2017. Hence, processing of the case for retiral dues of Sumitra Devi could have started only from 14.4.2017 and not prior to that. Thus, no delay can be attributed to the respondents prior to 14.4.2017.
19. Further, I note that pension papers were submitted by Sumitra Devi only on 4.7.2017 (Annexure R-5). This fact is not disputed by the applicant. Thus, the pension papers were given by the applicant herself more than 5 months after the effective date of voluntary retirement and almost three months after the issue of order of voluntary retirement. For this delay, obviously Sumitra Devi herself is responsible and definitely not the respondent department. Thus, the respondent department is not at all





responsible for any delay upto 4.7.2017 i.e. when Sumitra Devi submitted her pension papers.

20. Again, I observe that even these papers submitted by Sumitra Devi were not complete and had to be returned twice for want of documents namely undertaking form, contact number and copy of the PAN card as well as specimen letters of bank undertaking (Annexure R-7 and R-9). Besides, there were some genuine queries raised by Accountant General's Office like weightage of voluntary retirement not given in the case of the applicant which normally may not be relevant in other cases and hence perhaps, the DEO may not have been aware of these issues. As the weightage of voluntary retirement was not given to Sumitra Devi initially, the case had to travel from Accountant General's office to Principal through DEO and re-submitted again which also took some time. So, this process became lengthier and took more than normal time taken in case of retirement.
21. Also, I note that even though Sumitra Devi expired on 25.3.2018, the applicant intimated fact of death of Sumitra Devi to the respondent department only on 28.5.2018 – that is more than 2 months after the death. This delay on part of the applicant himself further delayed the process of all retirement benefits where spouse is not the mandatory beneficiary. Hence, only pension and commuted value of pension sanction order issued earlier could be implemented in favour of the applicant. But, the DCRG could not be released to him till production of legal heir certificate by him. The legal heir certificate was



demanded from him on the same date when he intimated about death i.e. 28.5.2018 (Annexure R-19). Again, the same was produced only on 3.7.2018 (Annexure R-20) – that is more than a month after the same was sought by the DEO. After submission of the legal heir certificate, the DCRG case was forwarded to the Accountant General's office in November 2018. After verification and examination of the same in the Accountant General's office at various levels, sanction was issued on 3.1.2019 to the Central Pension Accounting Office. Finally, the bill of DCRG was prepared on 12.2.2019 and the same was credited to the applicant's account on 21.2.2019.

22. Thus, here also, I find that the applicant himself is responsible for delay of over two months in intimating the respondents about death of his wife and then by more than a month thereafter in furnishing legal heir certificate.
23. In all, I find that in view of all these factors as observed in the above paragraphs, there is clearly no intentional delay on the part of the respondent department. There is also no undue or avoidable delay on the part of the respondents. On the other hand, firstly Sumitra Devi and then the applicant himself are responsible for substantial part of the delay in processing of the pensionary benefits of Sumitra Devi. Hence, no interest is payable on the amounts of pension, commuted pension and DCRG to the applicant.
24. As regards GIS, firstly I note that the amount is only Rs.12,000/- approx. The same has not been paid to the applicant as neither Sumitra Devi nor applicant has



deposited no dues certificate from AO (Rents) despite 3 reminders to the family right from 22.11.2018 till 28.8.2020 (Annexures R-1, R-2 and R-3). The respondents have further contended that GIS scheme is not part of the retiral benefits. This fact has not been contested by the applicant or his counsel either during arguments or by filing rejoinder. It is also not contested by the applicant's side that GIS cannot be paid in absence of no dues certificate.

25. In view of above, there is no case of the applicant regarding payment of GIS to him or for interest on delayed payment.
26. I further note that the respondent's argument is that the applicant has concealed the fact from the Tribunal that the main reason for withholding of GIS is because he has not produced even no dues certificate. There is truth in this argument. The applicant has also withheld the fact that three reminders in this regard have been issued to him. These reminders clearly state that this certificate is necessary for processing of retiral benefits of Sumitra Devi. Despite these facts which are directly relevant for release of Group Insurance Scheme amount being claimed by the applicant, the applicant has not brought out these facts before this Tribunal. Rather, he has claimed not only the amount but interest on delayed payment without revealing the main reason for withholding of the amount.
27. The respondents have also claimed that the application is time barred as it has not been filed within 18 months of



the date of voluntary retirement of the applicant's wife on 27.2.2019 and needs to be dismissed on this ground alone. It is true that O.A. has been filed only on 22.7.2020. But then, though voluntary retirement is effective from 27.2.2017, the order for the same was issued only on 14.4.2017. Hence, delay is to be counted with reference to this date of 14.4.2017. It is also true that even with reference to this date, the delay is of almost two years. It is also true that there is no condonation of delay application moved by the applicant and hence no reason for delay is explained as mandatorily required under section 21 (3) of the Administrative Tribunals Act, 1985. Hence, the petition deserves to be dismissed even on this ground. However, in the interest of justice and also considering the death of Sumitra Devi and the case relating to her pensionary benefits, I have considered the case mainly on merits.

28. In view of all above, I do not find any merit in the O.A. filed by the applicant. The same is, therefore, dismissed.

29. There shall be no order as to costs.

**(AJANTA DAYALAN)**  
**MEMBER (A)**

Place: Chandigarh

Dated: April 20, 2021.

HC\*