



**Central Administrative Tribunal
Principal Bench, New Delhi**

**O.A. No.1455/2020
M.A. No. 2772/2020**

**Reserved on: 30.07.2021
Pronounced on: 27.08.2021**

(Through Video Conferencing)

Hon'ble Mr. Mohd. Jamshed, Member (A)

Sh. Nasib Chand, S/o Late Sh. Inder Singh,
Retd. Safai Karamchari, ID 51401709,
Age 62 years, Gr. 'C',
R/o H. No. 164, Pocket 10, Sector 21,
Rohini-110086.

...Applicant

(By Advocate: Mr. B.K. Berera)

Versus

1. North Delhi Municipal Corporation through,
The Commissioner,
Dr. Shyama Prasad Mukherjee Bhawan,
Civic Center,
Jawahar Lal Nehru Marg,
New Delhi – 110002.
2. The Chief Accountant –cum-Financial Advisor,
NDMC, Pension Cell, 3rd Floor, E-6, Civic Center,
New Delhi – 110002.
3. Dy. Controller of Accounts,
City Sadar Paharganj Zone,
New Delhi Municipal Corporation.

...Respondents

(By Advocate: Mr. Manjeet Singh Reen)



ORDER

Mohd. Jamshed, Member (A):

The applicant was working in North Delhi Municipal Corporation (NDMC) as Safai Karamchari and retired from service on 31.05.2018. He submits that the respondents have not released his pension, gratuity and other retiral dues, though the Pension Payment Order (PPO) dated 16.10.2019 has been issued. According to the applicant, more than a year has elapsed and the bank has not received any funds from the Corporation. The applicant has been approaching the concerned authorities, making representations, however, the retiral benefits due to him have not been released so far. Aggrieved of the same, the applicant filed the present OA, seeking the following relief(s):-

“(a) to direct the respondents to immediately released the commutation amount of pension, arrears of pension w.e.f. 01-06-2018 with 9% interest and monthly pension as per the Pension Payment Order,

(b) to direct the respondents to immediately release the Gratuity amount already sanctioned with interest as per rules,

(c) to direct the respondents to pay interest on leave encashment which has been paid on 31-02-2019 instead of 01.06.2018 the due date as per law settled by the Apex Court,

(d) to direct the respondents to provide the details of GPF and other payment mode i.e. due drawn statement as no detail has been provided to the applicant,



(e) to award cost of litigation as the respondents have forced the applicant to approach the court despite issuance of Pension Payment Order on 16-10-2019,

(f) pass such other or further order as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case and in the interest of justice.”

2. The respondents have filed the counter affidavit denying the OA. It is submitted that the respondents have, in fact, made various payments to the applicant during the pendency of the present OA. Details have also been furnished by the respondents of the payments made to the applicant since his retirement.

3. Heard Mr. B. K. Berera, learned counsel for the applicant and Mr. Manjeet Singh Reen, learned counsel for the respondents, through video conferencing.

4. The applicant retired as Safai Karamchari on 31.05.2018 and became eligible for retiral dues w.e.f. 01.06.2018. Necessary documents, as required, were submitted by him. Despite this, he is not in receipt of his pension and various other retiral dues and is suffering financially. Although a PPO was issued by the respondents on 16.10.2019, the due amount it appears had not been deposited in the bank for disbursement. He has sought relief(s) in terms of directions to the respondents to grant Commutation amount of pension, arrears of pension with 9% interest and monthly pension to be



paid regularly. He is also seeking payment of Gratuity amount and the details of payments made to him towards leave encashment with interest. He also submits that he should be provided details of GPF payments made to him.

5. It is evident that during the pendency of the OA the respondents had submitted to this Tribunal that they have been making payments due to the applicant. During the hearing, it is reported by learned counsel for the respondents that most of the payments have already been made to the applicant, except payment of Matric/Non Matric arrear of Rs. 1,42,051/- and difference of ACP arrears of Rs. 1,24,602/-. The respondents have also provided details of the payments made to the applicant in paragraph – 2 of the preliminary submissions of the counter affidavit as under:-

“2. That the applicant was the permanent employee of DEMS Department City SPZ at ward No. 8/74, North Delhi Municipal Corporation as per record available in this office the details of his all terminal benefits are as under:-

- (i) Payment of DCRG-Rs. 6,37,346/- already paid on dated 09.10.2019.
- (ii) Payment of GPF-Rs. 3,52,988/- already paid on dated 09.08.2019.
- (iii) Leave-encashment Rs. 2,65,310/- already paid on dated 21.05.2019.
- (iv) Payment of GIS Rs. 9810/- already paid on dated 28.05.2019.
- (v) Payment of COP Rs. 7,09,929 already paid on dated 09.10.2019.



- (vi) Pay of difference of ACP Arrear Rs. 1,24,602 (bill passed on dated 15.5.2014.
- (vii) Payment of Matric/Non matric bill of Rs. 1,42,051/- has been passed on dated 26.03.2021.

3. It is submitted that Total payment has been paid to the applicant for Rs. 20,99,985/-.

(i) North DMC facing financial crises once, condition will be stable than the payment of Matric/Non matric arrear for Rs. 1,42, 051/- will be credited to the petitioner.”

From the details provided by the respondents, it is evident that most of the due payments have already been made to the applicant. This position has also been accepted by the applicant. It is thus obvious that except a few due payments like Matric/Non Matric bill and difference of ACP arrears, the applicant has received most of the dues claimed by him.

6. In view of the above, the present OA is allowed with the following directions to the respondents:-

- (i) The details of payments made so far shall be provided to the applicant within two months from the date of receipt of a copy of this order.
- (ii) Any amount which is remaining unpaid including the amounts due to him as stated in the counter affidavit shall be paid to the applicant within two months from the date of receipt of copy of this order.



(iii) In case, the respondents fail to make the above mentioned payments within two months from the date of receipt of copy of this order, interest @ 9% shall be levied on such delayed payments.

Pending MA also stands disposed of. There shall be no order as to costs.

**(Mohd. Jamshed)
Member (A)**

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