

(3)
Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 705 of 2000

Allahabad this the 28th day of May, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Rajendra Kishore Dubey, Son of Late Sri Nand Kishore, resident of 104 A/150, Ram Bagh, Kanpur Nagar.

Applicant

By Advocate Shri K.K. Tripathi

Versus

1. Union of India through Secretary, Ministry of Food, Government of India, New Delhi.
2. Director, National Sugar Institute, Kalyanpur, Kanpur.

Respondents

By Advocate Shri Ashok Mohiley

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicant has come up under Section 19 of the Administrative Tribunals Act, 1985 with the prayer that the respondents be directed to pay the post retiral benefits including D.C.R.G. amount and ^{value} commutation of pension with interest.

2. As per applicant's case he retired on 31.3.97 and as per direction dated 31.10.1996 (annexure A-1) he

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handed over the charge to Shri S.P.Sankhwar, but his pensionary benefits in respect of D.C.R.G. and commutation of pension have not been paid inspite of repeated request and, therefore, he has come up for seeking the relief, as above.

3. The respondents have contested the case, filed counter-reply with the specific mention that the applicant was holding the charge of Central Store but did not hand over the charge of the same inspite of direction as per order dated 31.10.1996 and, therefore, no certificate as 'No dues' has been issued, which is essential requirement for release of D.C.R.G. and other retiral benefits.

4. Heard counsel for the parties and perused the record.

5. The applicant asserts that he has handed over the charge held by him at the time of retirement to his colleague namely Shri S.P. Sankhwar, but has failed to bring on record any charge list/charge certificate for making over the charge and thereby he could not redeem his liability in this respect. As against it, a letter dated 28.10.1999 addressed to the applicant has been filed alongwith C.A. with specific mention that the applicant proceeded on super-annuation without handing over the charge and was required to attend the office on 05.11.1999 to complete the formalities regarding handing over and taking over of the charge. This letter has been replied by the applicant vide annexure A-4, but in

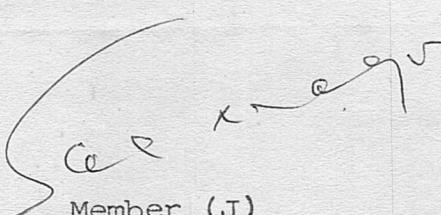
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this letter also there is no reference of any charge certificate or charge list having been prepared.

6. Keeping in view the facts and circumstances, it is found that a Government employee who retired on 31.3.1997 is still waiting for clearance of his retiral settlement, which is because of formality of a charge certificate for handing over the items with him and to obtain 'No dues' certificate and, therefore, the O.A. is decided as under;

"The applicant and competent authority in the respondents establishment to fix a period of time with consultation amongst themselves and then applicant to visit the office and complete the formalities regarding the charge and thereafter if there is no dues against him, 'No dues' certificate be issued and process to follow for payment of withheld retiral benefits of the applicant. These formalities be completed within 6 months from the date of this order.

7. There will be no order as to costs.


Member (J)

/M.M./