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CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH,  
JODHPUR.

Date of Order: 1.12.95.

O.A. No. 207/95.

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Gapat Lal

...Applicant.

vs

Union of India & Ors.

...Respondents.

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Mr. J.K.Kaushik, Counsel for the applicant.

Mr. S.S.Vyas, Counsel for the respondents.

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CORAM:

Hon'ble Mr. N.K.Verma, Administrative Member.

BY THE COURT:

Heard learned counsel for both the parties. The short matter in this O.A. is about the delay in payment of retiral benefits after the/penalty of removal from service was modified to that of compulsory retirement as per the respondents order placed at Annexure A/2 dated 20.7.94. Shri J.K.Kaushik stated that even after a year and five months which have been passed after a detailed order modifying the punishment was issued and the applicant has been denied the retiral benefits of the amount of pension, D.C.R.G. and encashment of leave etc.. In the reply filed by the respondents and that too belatedly the delay has been caused <sup>due</sup> to fishing

out the old records as the applicant had been removed from the service from 1982 and his service book was not traceable. The respondents have, however, sanctioned the DCRG and released the Pension Payment Order on 2.11.95. Shri Kaushik, however, denies that any payment has been received by the applicant till date.

2. I have given proper consideration to the arguments on both the ~~the~~ sides. It is a trite statement to say that since the applicant had been <sup>discharged</sup> from the service in 1982, it took the respondents a year and five months to trace out his papers particularly the service book. The O.A. was filed on 1.5.95 and even if the respondents were little careful, they could have found out the papers by special efforts when a notice of this O.A. was given to them for filing a detailed reply. The service book of all employees are permanent records which are kept in proper custody of the respondents. It is not acceptable that tracing out his service book in spite of a Court notice would have taken such a long time. It is rather painful that the retiral benefits of an employee who have to subsist on such amounts of money are delayed by casual and indifferent attitude of the respondents. The pension is not a bounty or a gift as has repeatedly been ruled by the Hon'ble Supreme Court. The Government of India has <sup>been</sup> endeavouring to ensure that the retiral benefits are made available to the retired employees without any loss of time and a very higher ranking government officer at the level of Secretary has been appointed to look after the grievances of the pensioners. Yet the respondents have

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flouted ~~in~~ all the Government rulings and norms in regard to this and delayed the payment of the retiral claims of the applicant.

3. In view of the above observations, the O.A. succeeds with the direction that all the retiral benefits shall be paid to the applicant within two months of the receipt of a copy of this order by the respondents. The applicant shall also be paid interest @ 12% compounded for the period the pension & DCRG have been delayed three months after the order of compulsory retirement <sup>which</sup> was passed on 20.7.94. This interest amount shall be recovered from the pay and allowances of the officers who have contributed <sup>to</sup> the delay in sanctioning the DCRG and the Pension Payment Order. The respondents will fix the responsibility and ensure that the accountability of such officers are brought to the notice of this Court within three months of the issue of this order. This order is being passed just to ensure the State exchequer is not unnecessarily saddled with the expenses which become <sup>payable</sup> only because of the negligence and casual approach of the officers concerned. Orders accordingly.

4. No order as to costs.

*N.K.Verma*  
( N.K.VERMA )  
Member (A)

cvr/VS