

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 180/2013

Jodhpur this the 21st November, 2014

CORAM

Hon'ble Ms. Meenakshi Hooja, Member (Administrative)

Govind Ram S/o Shri Ganga Ram, aged 56 years, Retired Civil Chowkidar, 41 (I) Supply Platoon ASC, R/o Village Loharki, District Jaisalmer.

.....Applicant

By Advocate: Mr Vijay Mehta.

Versus

1. Union of India through Secretary to the Govt. of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Officer Commanding, 41(1), Supply Platoon ASC Jassai, District Barmer.
3. Chief Controller of Defence Accounts (Pensions), Draupadi Ghat, Allahabad-14.
4. Principal C D A (Pensions), Draupadi Ghat, Allahabad-14.

.....Respondents

By Advocate : Ms K. Parveen.

ORDER (Oral)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 against the action of the respondents for not granting pension gratuity and retiral benefits.

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2. The brief facts of the case, as averred by the applicant and relevant to decide the matter are that the applicant was appointed on the post of civil Chowkidar in 41 (1) Sup Platoon ASC, Jassai in the year 1980 and he applied for voluntary retirement which was sanctioned w.e.f. 31.10.2012 (discharge certificate issued by respondent No. 2 at Annex. A/1). The respondent No. 2 vide his letter dated 01.11.2012 (Annex. A/2) forwarded the case of the applicant for grant of pension and other retiral benefits to the LAO 'A', Jodhpur alongwith all relevant documents and requested him to take an early action and forward the same to respondent No. 4. The aforesaid LAO forwarded the pension case of the applicant to respondent No. 4 vide letter dated 2/2012 (Annex. A/3). Although the applicant has rendered 32 years and six months service in the respondent-department which is qualified for grant of pension and other retiral benefits but he has not yet been paid pension and other retiral benefits except payment of his GPF and no reasons are being disclosed to the applicant for inordinate delay in grant of his retiral benefits. It has been averred in the application that the applicant does not keep good health and has become infirm and remains sick. The applicant is in urgent need of the retirement benefits for his survival as he is entitled for the same. Therefore, the applicant has filed present OA seeking following relief :

"the respondents may kindly be directed to issue PPO and to make payment of pension, commutation, gratuity, LPC and other retiral benefits with interest at the rate of 24% thereon. Any other order giving relief may also be passed. Costs may also be awarded to the applicant."



3. In reply, the respondent No. 2 filed reply on behalf of all the respondents through his counsel and averred that the pension documents for claiming pension and gratuity of the applicant were forwarded to LAO (SC) Jodhpur vide letter dated 01.11.2012 which were forwarded to respondent No. 4 i.e. PCDA (P) Allahabad in Feb., 2013 but the same were returned with observations vide letter dated 23.05.2013 which were again submitted to respondent No. 4 on 08.06.2013 but the same were again returned by respondent No. 4 vide letter dated 20.07.2013 with some observation and same were again forwarded to respondent No. 4 after some rectification vide letter dated 20.07.2013 for settlement of pension claim of the applicant and case of the applicant is pending with respondent No. 4 for settlement. The respondents have further averred that the GPF, CGEGIS claim and Leave encashment claim of the applicant has been settled and paid to the applicant on 22.11.2012, 03.12.012 and 04.07.2013 respectively. It has been averred in the reply that in view of the submission made, the action of the respondent is fair and in order and there is no merit in the OA and the same may be dismissed.

4. Heard both the parties and perused the record. Counsel for the applicant contended that though payment of the GPF and leave encashment as per Annex. R/1& R/2 has been received by the applicant but details of payment of leave encashment to the tune of Rs 1,37,618/- has not been provided against entitlements of the applicant and payment of CGEIS has not yet been made to the applicant though it is said to have been paid on 03.12.2012 as per para 5 of the reply.



Further, payment of pension and gratuity is also under consideration of the respondents, as admitted by them and the same is yet to be paid.

5. Per contra, counsel for the respondents submits that all the claims of the applicant with regard to GPF and leave encashment have been paid and only pension case of the applicant is pending at the level of respondent No. 4 and the Gratuity and Pension will be paid after issue of PPO by respondent No. 4.

6. In view of the contentions and position brought out by both the counsels, It is proposed to dispose of this OA with certain direction to the respondents.

7. Accordingly, OA is disposed of with the direction to the respondents to make payment of CGEGIS (if not already paid), and make payment of the pension and gratuity in respect of the applicant, within 3 months from the date of receipt of the order and further also provide details of the leave encashment paid to the applicant within one month from the date of receipt of the order.

8. With the aforesaid directions, OA is disposed of with no order as to costs.


(MEENAKSHI HOOJA)
Administrative Member

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