

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.517/04

Wednesday this the 17th day of November 2004

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

T.U.Thomas,
S/o.late Ulahanan,
Retired Asst. Director (F.S.),
Dak Bhavan, Sansad Marg, New Delhi.
Residing at Puthuparambil,
Thirumoolapuram P.O.,
Pathanamthitta District,
Kerala - 689 115.

Applicant

(By Advocate Mr.V.Sajith Kumar)

Versus

1. Union of India represented by
the Secretary to the Government,
Ministry of Communications,
Department of Posts, New Delhi.
2. Director General of Posts,
Dak Bhavan, Sansad Marg, New Delhi.
3. Assistant Director General of Posts (SGP),
Dak Bhavan, Sansad Marg, New Delhi.
4. Director of Accounts (Posts),
Delhi Postal Circle, New Delhi - 54.
5. The Chief PMG,
Kerala Circle, Trivandrum.

Respondents

(By Advocate Mr.K.Kesavankutty,ACGSC)

This application having been heard on 17th November 2004
the Tribunal on the same day delivered the following :


O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

The applicant submitted a request for voluntary retirement from service in his letter dated 6.10.2003. The request was accepted and a decision was communicated by Annexure A-1 order dated 2.1.2004. The applicant accordingly retired voluntarily on 7.1.2004 and a sum of Rs.1,35,455/- was paid to him on 23.2.2004 being cash equivalent for 280 days unutilised Earned Leave. The grievance of the applicant is that his pension, gratuity and

other terminal benefits have not been made available to him even though several months have elapsed and he had made representation on 27.5.2004 (Annexure A-3). Under these circumstances the applicant has filed this application for a direction to the respondents to sanction and disburse the monthly pension, pension commutation, D.C.R.G., C.G.E.& G.I.S. and other retirement benefits with interest at the rate of 12% per annum. It is alleged in the application that there is no disciplinary proceedings pending against the applicant and therefore there is absolutely no reason why the respondents should not disburse the pensionary benefits to the applicant.

2. Respondents took several adjournments for filing a reply statement but did not file any reply statement. When the matter came up for hearing on 27.9.2004 a final opportunity was given to the respondents making it clear that if no reply statement be filed within the said period the right of the respondents to file a reply statement would stand forfeited. However, even after that the respondents did not file any reply statement. Therefore the matter has been taken up today for final disposal on the basis of the available pleadings. Shri.K.Kesavankutty, ACGSC appeared for the respondents submitted that inspite of his repeated effort he could not get proper instruction for filing a reply statement. He stated that he has been informed by the respondents that a sum of Rs.2,31,444/- has been paid as provisional gratuity, DCRG and the applicant has been paid provisional pension with arrears which amounted to Rs.40,900/for the period 7.1.2004 to 30.6.2004.



3. That the applicant has retired on 7.1.2004 voluntarily on his notice for voluntarily retirement having been accepted is borne on record. The allegation that there is no disciplinary proceedings pending against the applicant and that there is no other circumstances which warrant withholding of terminal benefits of the applicant is also not disputed. In accordance with the provisions of the CCS Pension Rules and Instructions issued by the Government the retirement benefits even in the case of retirement other than superannuation retirement should be settled within a period of six months at the latest. It has also been stipulated that if there is a delay for payment of DCRG after six months even in the case of voluntary retirement interest for the belated payment should be paid from the date of retirement.

4. The Government of India instruction dated 22.6.1991 under Rule 68 of CCS Pension Rules in page 171 of the Swamy's Pension Compilation incorporating CCS Pension Rules 14th Edition which reads as follows :

"(ii) On retirement other than on superannuation

Such cases of retirement will be either under clause (j) or clause (k) of FR 56 or Rules 38, 39, 40, 48 or 48-A of the CCS (Pension) Rules, 1972. In such cases the pension sanctioning authority does not get adequate time for processing pension papers, as is available to it in the case of retirement on superannuation. Instructions have already been issued from time to time that the work relating to verification of service should be done on year to year basis and should not be kept in arrears. Provisions also exist that on completion of 25 years qualifying service or on one being left with five years service before the date of retirement, whichever is earlier, the Head of Office should verify the service rendered by such Government servant and communicate to him the period of qualifying service as determined vide Rule 32 of the CCS (Pension) Rules, 1972. It is, therefore, expected that even in cases of retirement other than on superannuation it should not take unduly long time for all

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Heads of Offices to prepare pension papers of retiring employees. It has, therefore, been decided that where the payment of gratuity in such cases is delayed beyond six months from the date of retirement, interest should be paid for the period of delay beyond six months from the date of retirement.

5. Since there is nothing on record to show that there is any reason why the pension and other terminal benefits of the applicant should not be disbursed it is necessary to give the respondents a direction to disburse to the applicant the pensionary benefits with interest on the DCRG at the rate in accordance with the rules from the date of his retirement till the date of payment.

6. In the light of the above facts and circumstances mentioned above the application is disposed of directing the respondents to sanction and disburse the monthly pension, pension commutation and balance DCRG, if any, and CGEGIS with interest on the delayed payment of DCRG from the date of retirement at the rate applicable within a period of two months from the date of receipt of a copy of this order. There is no order as to costs.
(Dated the 17th day of November 2004)



A.V. HARIDASAN
VICE CHAIRMAN

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