

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A. NO. 45/2002

Ganjan Singh Paraste,
S/o. Shri Ram Singh Paraste,
aged about 58 years, Ex-SSS(O)-
Emp No. 1180, R/o. Vill-Chuh
Chuhi, Teh & Distt-Dindori,
Post-Zanki (M.P.).

... **Applicant**

V e r s u s

1. Union of India,
(through - Secretary)
Deptt of Telecommunication
Services, Min. of Communications,
New Delhi.

2. Chief General Manager,
DoT Cell, M.P. Telecom
Circle, Bhopal (M.P.).

3. General Manager, Telecom
District, Jabalpur (M.P.).

4. Divisional Engineer (Admin),
O/o. The G.M. Telecom Dist.
Jabalpur (M.P.).

... **Respondents**

Counsel :

Smt. Sudha Pandit for the applicant.
Shri B.Dasilva for Shri P. Shankaran for the respondents.

Coram :

Hon'ble Shri R.K. Upadhyaya -- Member (Admvt.).

O R D E R (Oral)

(Passed on this the 28th day of January 2003)

The applicant who retired from Government service on 09/06/2000 has filed this application seeking direction that his retiral dues may be paid to him.

2. It is stated that the applicant was employed under S.D.E. (Commercial-II) in the office of the General Manager, Telecom, District Jabalpur and retired as a Senior Section Supervisor. He took voluntary retirement on medical ground with effect from 09/06/2000. On such a

Shri Ram

(5)

retirement, he was allowed only provisional pension and no other pensionary benefits were given to him. Therefore when this application was filed, the respondents enquired about the reasons for the delay and in the reply filed on behalf of the respondents it is stated that an investigation with the CID in a criminal case was in progress, but the Department was not communicated about the progress. Ultimately by Annexure R/1, the Police authorities have intimated that no case has been made out against the applicant for want of evidence. Therefore now the respondents have decided to release his retirement benefits as applicable under the law. The learned counsel of the applicant invited attention to the case of Vijay L. Mehrotra Vs. State of Uttar Pradesh & Ors. reported at JT2000(5)SC171 wherein it has been observed that an employee retiring after having rendered service, all the payment of the retiral benefits should be paid on the date of retirement or soon thereafter. According to the learned counsel the Hon'ble Supreme Court has ordered 18% of interest from the date of retirement till the date of payment. It was urged that similar order should be made in the case of the applicant also.

3. On the other hand, learned counsel of the respondents stated that there were valid reasons for not making the payment immediately after retirement, as investigation under criminal case was in progress. As soon as it was brought in the notice of the respondents, the matter was sorted out and it has now been decided to release the retiral dues. The criminal case against the others have been filed on 28/03/2001 whereas the applicant has not been proceeded against for want of evidence.

U. Singh

6

4. After hearing the learned counsel for both the parties and after perusal of the records made available at the time of hearing, it is felt desirable that the retiral dues are paid to the applicant expeditiously. The applicant is therefore directed to make a representation to respondent No. 3 stating the amount which according to him are still not paid alongwith the copy of this order. The respondent No. 3 is directed to make payment of all retiral dues within a period of three months from the date of receipt of copy of representation alongwith this order to the applicant. He is also directed to ^{make} payment of interest at the rate of 6% with effect from 01/07/2000 provided the applicant complied with all the formalities of payment of retiral dues.

5. In view of the directions made in the preceding paragraph this application is disposed of, without any order as to cost.

R.K. Upadhyaya

(R.K. UPADHYAYA)
MEMBER (A)

g...
(1)
(2)
(3)
(4)

Smt. S. Dhanil Devi
B. Bha Siva - A/C

Jinabhai
4/2/03

Issued
on 4-2-03
[Signature]