

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.229/2015

Wednesday, this the 19th October, 2016

Hon'ble Mr. K.N. Shrivastava, Member (A)

1. Jai Kanwar Tyagi s/o Mr. Taj Singh Tyagi
Retired Chowkidar, Rajghat Samadhi Committee
Under M/o Urban Development, Govt. of India
R/o Mohallah Tyagi Wada, Village – Badshshpur
Dist-Gurgaon, Haryana
Age 59 years

..Applicant

(Mr. Nasir Ahmed, Advocate)

Versus

1. Union of India through
The Secretary
M/o Urban Development, Govt. of India
Nirman Bhawan, New Delhi – 1
2. The Chairman
Rajghat Samadhi Committee
Ministry of Urban Development
Govt. of India, Nirman Bhawan
New Delhi -1
3. The Joint Secretary (Ceremonial)
Ministry of Urban Development
Govt. of India, Nirman Bhawan
New Delhi -1
4. The Secretary
Rajghat Samadhi Committee
Under Ministry of Urban Development
Govt. of India, Mahatama Gandhi Marg
New Delhi -2

..Respondents

(Dr. Ch. Shamshuddin Khan, Advocate for respondent No.1 –
Mr. Sudhir Kumar Singh, Advocate for Mr. Mukti Bodh, Advocate for
respondent Nos. 2 and 3)

O R D E R (O R A L)

The applicant was working as a Chowkidar under Rajghat Samadhi Committee (RSC). He applied for voluntary retirement from service (VRS) on 08.01.2014 vide his Annexure A-2 application. His request for VRS was duly considered and vide Annexure A-3 communication dated 13.01.2014, the Secretary of RSC granted VRS to the applicant w.e.f. 31.03.2014.

2. As his retiral dues were not settled by the respondents, the applicant filed O.A. No.1889/2013, which came to be disposed of on 21.07.2014 at the admission stage itself by the Tribunal with the following observations/directions:-

“Heard learned counsel for applicant. Learned counsel argues that the representation preferred by the applicant is not decided by Respondents.

2. Under these circumstances, the OA is disposed of at the admission stage itself with a direction to the respondents to decide the pending representation of the applicant dated 20.01.2014 within a period of six weeks from the date of receipt of a copy of this order.”

3. The Secretary, RSC, in compliance of the *ibid* directions of this Tribunal, vide impugned Annexure A-1 communication dated 30.10.2014, disposing of the representation of the applicant, has informed him as under:-

“Subject: Order dated 21.07.2014 passed by the Hon’ble Central Administrative Tribunal, Principal Bench, New Delhi, in O.A. No.1889/2013 titled Jai Kanwar vs. UOI & Ors.

I am to state with respect to the direction passed by the Hon’ble CAT to decide your representation dated 20.01.2014 as under:-

- (i) As a matter of fact, you did not retire from the services of the Rajghat Samadhi Committee. You joined as Chowkidar in Rajghat Samadhi Committee and continued to work as Chowkidar and your due date of

retirement is 31.03.2015. However, vide your letter dated 08.01.2014, you had sought voluntary retirement from service with effect from 31.03.2014. You also sought, vide your application dated 01.02.2014, 51 days earned leave w.e.f. 08.02.2014 to 30.03.2014 which was granted. On 31.03.2014, you came to the premises of Rajghat Samadhi Committee and joined/resumed your duties as Chowkidar.

- (ii) Thus, you did not retire and are still an employee of the Rajghat Samadhi Committee. As such you are not entitled to any retirement dues and benefits as sought by you vide your representation dated 20.01.2014.”

4. The applicant in this O.A. has prayed for the following main reliefs:-

“a) To set-aside the impugned order dated 30.10.2014 of the respondents and

b) To allow the Original Application of the Applicant and direct the respondents to grant all the Retirement Benefits to the Applicant in the interest of justice.”

5. Learned counsel for applicant submits that the respondents have released retiral benefits to the applicant, as could be seen from the reply filed by them. However, such benefits have not been released in full. He prays for a direction to the respondents to furnish the details of the calculations by which the respondents had decided to release just `10,58,011/- towards retiral benefits of the applicant.

6. From the reply of the official respondents, it is quite evident that retirement of the applicant by way of VRS is not in dispute anymore, in view of the fact that the details of the retiral benefits released to the applicant are clearly indicated in the reply filed on their behalf.

7. I heard the learned counsel for the parties and perused the materials placed on record. The sole contention of the learned counsel for the

applicant is that the applicant is entitled for a much higher quantum of retiral benefits, whereas the respondents have released a much smaller amount.

8. In this view of the matter, I consider it appropriate to direct the applicant to submit a representation to the respondents claiming the retiral benefits due according to him and to direct the respondents to dispose of such a representation in a time bound manner.

9. In the conspectus of the discussions in the foregoing paragraphs, the O.A. is disposed of with the following directions:-

- i) The applicant is directed to file a representation to the respondents with regard to his full claim of retiral benefits within a period of fifteen days from the date of receipt of a copy of this order.
- ii) The official respondents are directed to dispose of such representation received from the applicant within a period of three months from the date of its receipt by passing a speaking and reasoned order. Needless to say that a copy of the order so passed by the respondents shall be sent to the applicant.

No order as to costs.

(K. N. Shrivastava)
Member (A)

October 19, 2016
/sunil/