

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.78/2016

New Delhi this the 29th day of August, 2016.

HON'BLE MR. P.K. BASU, MEMBER (A)

Smt. Yashwanti,
Aged 60 years,
W/o Shri Jagan Singh,
Retired Baildar from Irrigation & Flood
Control Department, GNCT of Delhi,
R/o H.No.66-67, Block-B, Surakhpur Road,
Gopal Nagar, New Delhi-110073. .. Applicant

(By Advocate : Shri Yogesh Sharma)

Versus

1. Govt. of NCT of Delhi,
Through the Chief Secretary,
New Sectt., I.P. Estate,
New Delhi.
2. The Chief Engineer,
Irrigation & Flood Control Department,
GNCT of Delhi,
L&B Sastri Nagar, Delhi-110043.
3. The Executive Engineer,
Irrigation & Flood Control Department,
GNCT of Delhi, Civil Division-XIII,
Opp. ESI Hospital,
Basai Darapur, New Delhi. .. Respondents

(By Advocate : Mrs. Alka Sharma)

ORDER (ORAL)

The applicant has filed this O.A. seeking quashing of the order dated 31.07.2015 (Annexure A/1), which is a direction of the

respondents to the applicant to refund Rs.10,79,549/- paid to her towards GPF contribution on her retirement. Secondly, it is prayed that all retirement benefits as per Old Pension Scheme be released to the applicant. Thirdly, it is prayed that the respondents be directed to pay interest @ 18% p.a. for delayed payment of pensionary benefits beyond 30.06.2015, i.e. the date she retired. Learned counsel for the applicant submits that the applicant had been contributing GPF till the date of her retirement and, therefore, she should have been automatically covered by the Old Pension Scheme.

2. The learned counsel for the respondents have placed before us an endorsement dated 08.07.2016 by Deputy Secretary (Finance) of Govt. of NCT of Delhi forwarding the O.M. dated 26.02.2016 issued by the Department of Personnel & Training (DoPT), by which in view of judgment of the Hon'ble Supreme Court in Union of India & Ors. Vs. Rameshwar Singh, the Govt. has decided that the casual labours, who have completed three years of continuous service after that, are entitled to contribute to the General Provident Fund (GPF). In the light of this clarificatory O.M. dated 26.02.2016, learned counsel for the respondents states that the applicant would be covered under the Old Pension Scheme.

3. In view of this clarification by the respondents, no dispute survives as regards working out retirement benefits of the applicant

as per the Old Pension Scheme. The learned counsel for the applicant, however, states that no orders have been issued so far granting the applicant retirement benefits and GPF claim etc.

4. As regards the claim for interest @ 18% p.a., learned counsel for the respondents states that they had been waiting for O.M. dated 26.02.2016 to be issued by Govt. of India and authorisation endorsement dated 08.07.2016 by the Govt. of NCT of Delhi and, therefore, there was no deliberate delay on the respondents' part to grant pension under the Old Pension Scheme.

5. This O.A. is, therefore, disposed of with a direction to the respondents to work out the pensionary benefits of the applicant as per the circular dated 26.02.2016 within a period of 90 days from the receipt of certified copy of this order. However, as regards interest, I am of the view that the respondents could act only after the receipt of clarification O.M. dated 26.02.2016 and endorsement dated 08.07.2016 (received by them on 26.08.2016). Therefore, the interest claimed by the applicant is rejected. No order as to costs.

(P.K. Basu)
Member (A)

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