

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA No.1211/2016

this the 26th day of May, 2017

Hon'ble Mr. V. Ajay Kumar, Member (J)

Rajender Prasad
Retd. SI in Delhi Police
Age about 63 years
PIS No.28710302
S/o Late Shri Ram Kishan
R/o Quarter No.175, Type-II
PC Ashok Vihar, New Delhi.

.... Applicant

(By Advocate: Shri Anil Singal)

VERSUS

1. Govt. of NCT of Delhi
Through Commissioner of Police
PHQ, IP Estate, New Delhi.
2. DCP (Security)
Main Police Lines, Vinay Marg
Chankya Puri, New Delhi.

.... Respondents.

(By Advocate: Shri K.M.Singh)

ORDER (ORAL)

Heard both sides.

2. The applicant, a retired Sub-Inspector from the respondent-Delhi

Police filed the OA seeking the following reliefs:-

- "1. To quash and set aside the Order dated 5.2.2016 and direct the respondents to pay compound interest @ 18% per annum from 31.10.2012 to 16.1.2016 i.e. from the date when the payments became due till the date the actual payment was made on all the retirement-cum-pension benefits including Gratuity, Leave Encashment, CGEGIS and commuted Pension.
2. To award costs in favor of the applicant and pass any order or orders, which this Hon'ble Tribunal may deem just & equitable in the facts & circumstances of the case."

3. It is his case that the respondents released his regular pension and other retiral benefits belatedly and hence he is entitled for interest on the said amount at 18% Per annum from 31.10.2012 i.e. the date on which he retired from service till 16.01.2016 when the amount has been released to him.

4. Aggrieved by the order of the respondents dated 05.02.2016 whereunder they rejected the claim of the applicant by stating that the applicant himself responsible for registration and pendency of a criminal case against him as on the date of his retirement, he filed the instant OA.

5. It is not disputed that on 13.01.2012, i.e. the date on which he retired from service on superannuation, a criminal case was pending against him vide FIR No.23/2011/U/s323/342/254/452/506/494/34 IPC, P.S. Janakpuri, New Delhi. Even according to the learned counsel for the applicant, he was acquitted in the said criminal case only on 16.12.2015.

6. An employee, who himself is responsible for pendency of a criminal case against him due to his own action and when his employer in no way responsible for registration of the said criminal case and due to the said pendency certain retirement benefits were withheld in terms of the Rules, there is no justification for him to claim interest on delayed payment.

7. In the circumstances, I do not find any merit in the O.A. and, accordingly, the same is dismissed. No costs.

(V. Ajay Kumar)
Member (J)

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