

**Central Administrative Tribunal
Principal Bench
New Delhi**

OA No.997/2017

Reserved on:03.10.2017

Pronounced on:

Hon'ble Ms. Praveen Mahajan, Member (A)

Rajender Kumar Yadav,

Ex-PA&AO, Gr.A,

S/o Late Duli Chand Yadav, aged 62 years

R/o Village & P.O.: Shamaspur, Gurugram, Hr.

.... Applicant

(By Advocate: Shri D.P.Sharma)

Versus

1. Union of India through
The Secretary, Ministry of Home Affairs
North Block, New Delhi.
2. The Controller General of Accounts
M/o Finance, Deptt. of Expenditure
Mahalekha Niyantrak Bhawan, GPO Complex
Block E, Aviation Colony, INA Colony, New Delhi.
3. The Secretary
National Disaster Management Authority
N.D.M.A. Bhawan, A-1, Safdarjung Enclave
New Delhi – 110 029.
4. The Project Director (PMU)
NCRMP, 1st Floor, NDMA Bhawan
A-1, Safdarjung Enclave, New Delhi – 110 029. ...Respondents

(By Advocate:Shri Piyush Gaur)

ORDER

The applicant, who is working as Sr. Accounts Officer in the office of the Controller General of Accounts, Ministry of Water Resources, applied for the post of Project Accountant and Administrative Officer on deputation basis for a period of three years with respondent no.4 and got selected for the said post. The applicant has been working in PB-3 with grade pay of

Rs.5400/-. The post applied for of Project Accountant was in the pay scale of Rs.15600-39100 plus Grade Pay Rs.6600/-. The post of Project Accountant/Administrative Officer was one of the six posts created for Project Management Unit (PMU), NCRMP in National Disaster Management Authority (NDMA) co-terminus with the Project to be implemented over a period of five years. On 03.07.2012, the applicant joined this post for a period of three years. On 10.03.2015, the applicant submitted a representation to extend his deputation which was getting over on 02.07.2015. The competent authority extended his deputation period for 4th year from 03.07.2015 to 31.12.2015 or till further orders, whichever is earlier.

2. The applicant submitted his pension papers on 12.11.2015 for processing in the Project Management Unit. On 15.12.2015, a clarification was sought "whether the applicant could retire while on deputation holding higher pay + grade pay for a specific period and post" from the Ministry of Home Affairs. It was clarified by respondent no.1 on 29.12.2015 & 31.12.2015 that the official should be retired from his parent organisation.

3. On 31.12.2015, the applicant was repatriated to his parent cadre to report in the office of the Controller General of Accounts, Ministry of Finance, Department of Expenditure, Lok Nayak Bhawan, New Delhi to enable him to retire from service, from his parent cadre. On 01.02.2016, a PPO in favour of the applicant holding pay scale of Rs.15600-39100 + GP Rs.6600 was issued. On 31.03.2016, the case of the applicant was referred to Department of Pension & Pensioners Welfare for payment of gratuity, commutation of pension, CGEGIS, leave encashment seeking clarification regarding settlement of other retiral benefits of the applicant. After due consultation between different departments, on 21.12.2016, NDMA was advised to take

sanction/authorisation of other retiral benefits from NDMA in respect of the applicant, as per the provisions of the CCS (Pension) Rules, 1972. On receipt of the orders from the MHA, all pending benefits viz. Retirement Gratuity, Commutation of Pension, Leave Encashment & CGEGIS were sanctioned to the applicant before 31.12.2016.

4. On 12.01.2017, the applicant submitted his representation to Respondent No.3 that payment of interest on account of delayed payment on retiral benefits as fixed in 7th Pay Commission was pending settlement. The applicant was informed that a Government Servant is required to submit the relevant pension papers duly completed in all respects eight months prior the date of his retirement. However, the applicant defaulted on this account hence the delay in payment of gratuity etc. was attributable to him and no interest was payable to him.

5. The applicant states that he has been denied the payment of interest on delayed payment of terminal benefits (viz. retirement gratuity, leave encashment & CGEGIS-Saving Fund accumulations) amounting to R.18,65,153/- on account of frivolous objections raised by the respondents. It was the responsibility of the respondents to ensure timely payment of pensionary benefits, legally due to him. He has, therefore, requested that the respondents be directed to pay the interest @ of 12% Per Annum for the period of delay with effect from 01.01.2016 till date of actual payment i.e. 03.01.2017.

6. I have gone through the facts of the case I am not convinced by the plea put forth by the respondents that delay in payment of terminal benefits is attributable to the applicant. The respondents have tried to take shelter under the guise that the clarification regarding release of terminal benefits was received from Ministry of Home Affairs on 21.12.2016 after which his

retiral dues were released to him. Undoubtedly a Government servant is required to submit the particulars of his pension papers etc. eight months prior to the date of his superannuation but the respondents are also duty bound to ensure that in case that information is not forthcoming, the same should be asked for from the Government Servant and suo moto steps should be taken to complete the process from the records readily available with them.

7. The applicant has stated in the Rejoinder that pension papers were submitted on 12.11.2015 for onward transmission to the PPO. The authority letters for payment of pension, gratuity were issued on 01.02.2016, but the respondents took more than 11 months to pay the said benefits to the applicant. It is held in a catena of judgments that it is the duty of the respondents to ensure that the retirement benefits are disbursed in a timely manner to a superannuating officer. The respondents were aware of the fact that the applicant was on deputation with them and should have taken necessary steps to finalise the entire process. Pensionary benefits are not in the nature of a bounty to be doled out at the whims & fancies of the employer. It is a dividend earned by the employee, putting in years of committed service, which needs to be respected & treated as such.

8. In view of the above facts, the OA is allowed. The respondents are directed to pay interest on GPF rates on delayed payments of gratuity, leave encashment etc. to the applicant at the admissible rate w.e.f. 01.01.2016, till the date of actual payment. This exercise shall be completed in the span of three months from the date of receipt of a certified copy of this order.

(Praveen Mahajan)
Member (A)

