

**Central Administrative Tribunal
Principal Bench**

OA No.3754/2016

New Delhi, this the 17th day of April, 2018

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

Dr. K.C. Gupta, aged about 63 years
S/o Late S.L. Gupta
Joint Director (Plant Pathology)(Retired), Group 'A'
Directorate of Plant Protection, Quarantine
& Storage, Faridabad, Haryana-121001

Resident of: House No.1159
Sector:IX, St. Anthony School Road
Faridabad, Haryana-121006.

.... Applicant

(By Advocate: Shri S.K. Das)

Vs.

1. Union of India through Secretary
Ministry of Agriculture, Cooperation
& Farmer's Welfare
Department of Agriculture & Cooperation
Krishi Bhawan, New Delhi-110001.
2. Joint Secretary(PP)
Department of Agriculture & Cooperation
Ministry of Agriculture, Cooperation &
Farmer's Welfare
Krishi Bhawan, New Delhi-110001.
3. Chief Administrative Officer
Directorate of Plant Protection, Quarantine
& Storage, N.H-IV, Faridabad, Haryana
Through Plant Protection Adviser
N.H-IV, Faridabad(Haryana)-121001. Respondents

(By Advocate: Shri Satish Kumar)

O R D E R (ORAL)

The applicant retired from the post of Joint Director (Plant Pathology), Directorate of Plant Protection, Quarantine and

Storage, Department of Agriculture and Cooperation, Govt. of India on 31.07.2013. While in service he was subjected to a disciplinary inquiry which continued under Rule 9 of CCS (Pension Rules) after his superannuation on 31.07.2013. He was sanctioned provisional pension. His gratuity and commutation of pension benefits were withheld. He was issued a memorandum of charges dated 26.09.2012 in which as many as six articles of charges were levied. One of the charges was that during his tenure as Deputy Director (PP), he exceeded his jurisdiction in the import of Chick Peas release case. It was further mentioned therein that on the basis of forged documents, with *malafide* intention, he processed the case which resulted into a loss of Rs.2,01,800/- to the Government exchequer.

2. The disciplinary proceedings ultimately resulted in imposition of penalty of withholding of 20% of his monthly pension vide Annexure A-12(Colly) penalty order dated 26.10.2015. The operative part of the said order reads as under:-

“Now therefore, after considering the records of the inquiry and the facts and circumstances of the case, the DA has come to the conclusion that Dr. K.C. Gupta, the then Joint director (PP), exhibited lack of absolute integrity & devotion to duty and acted in the manner which was unbecoming of a Government servant. The Hon’ble MoS as DA is of the view that the ends of justice would be met if the penalty of withholding of twenty percent(20%) monthly pension otherwise admissible to him for a period of three (3) years, is imposed on Dr. K.C. Gupta, the then Joint Director (PP). Accordingly,

the above said penalty is hereby imposed on Dr. K.C. Gupta, the then JD (PP)."

3. After passing of the penalty order, the respondents took action to release the withheld gratuity and commutation of pension of the applicant. These payments plus some other withheld dues were released to the applicant on 28.03.2016. The table below would indicate the details of their release:-

S. No.	Particulars	Amt.	Sanction Order No.	Status of payment
1.	Cash Equivalent EL & HPL on retirement	Rs.7,12,625/-	F.No.7-3/84-Adm.I dated 04.11.2013	Paid on 19.11.2013
2.	CGEGIS	Rs.85,560/-	F.No. 7-3/84-Adm.I dated 28.11.2013	Paid on 11.12.2013
3.	GPF	Rs.22,90,057/-	Bill No.729-7/13-14/GPF Final Payment Dated 31.07.2013	Paid
4.	Gratuity	Rs.10,00,000/-	PPO No. 005691600618 FILE No.1345 Dated 28.03.2016	Paid
5.	Commutation of Pension	Rs.6,06,122/-	PPO No. 005691600618 FILE No. 1345 Dated 28.03.2016	Paid
6.	Pension	As per pension authorization letter received from PAO(PPM) placed below	PPO No. 005691600618 FILE No.1345 Dated 28.03.2016	Pension authorized

4. Through the medium of this OA, the applicant has claimed interest on the delayed release of gratuity, commuted value of pension and monthly value of pension. It is stated that after the passing of the penalty order dated 26.10.2015, whereby penalty

of 20% cut in the pension was imposed on the applicant, there was no justification at all at the end of the respondents in delaying the release of his retiral dues.

5. The respondents in their reply have stated that they had taken immediate action for releasing the retiral dues of the applicant after passing of the penalty order dated 26.10.2015. However, delay has occurred at the end of Pay and Accounts Officer who does not come under the administrative control of the respondents.

6. I have heard the arguments of learned counsel for the parties and also perused the pleadings. It is understandable that as long as the applicant was under a cloud of disciplinary proceedings, the respondents could not have released his retiral dues. However, after the penalty order was passed on 26.10.2015, nothing prevented the respondents to release the retiral benefits of the applicant. Promptitude was expected at their end in view of the fact that the applicant had retired more than two years ago.

7. Be that as it may, considering that after passing of penalty order dated 26.10.2015, some reasonable amount of time was required to settle the retiral dues, I am of the view that the respondents should have released such benefits within a month of passing of the penalty order, i.e., by the end of November,

2015. The plea of the learned counsel for the respondents that the delay has taken place at the end of Pay and Accounts Officer over whom the respondents had no control, is a specious plea. The respondents ought to have sorted out the matter with the PAO and ensured expeditious release of the retiral benefits to the applicant. After all, why should the applicant be put to financial loss due to the actions or inactions of the respondents or their PAO.

8. In the conspectus of discussions in the foregoing paras, this OA is disposed of with a direction to the respondents to pay interest @ 8 % from 01.12.2015 up to 28.03.2016 (the date when the retiral dues were released) on gratuity amounting to Rs.10,00,000/- and computation of pension of 6,06,122/-. This shall be done within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

(K. N. Shrivastava)
Member (A)

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