

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

OA No3006/2013

This the 10th day of August, 2016

**Hon'ble Mr.P.K. Basu,Member, (A)
Hon'ble Dr.BrahmAvtarAgrawal, Member (J)**

Smt.Raj Kumar Arora
R/o D-29, UGF/RT,
Vishwa Karma Colony,
M.B.Road, New Delhi. ... Applicant

(By Advocate: Shri M.K. Bhardwaj)

Versus

NDMC &Orsthrough :

1. The Commissioner,
North Delhi Municipal Corporation
Civic Centre, New Delhi.
2. The Commissioner,
South Delhi Municipal Corporation
Civic Centre, New Delhi
3. The Chief Administrative Medical Officer,
Health Department, Central Zone,
South Delhi Municipal Corporation,
Central Zone, Lajpat Nagar,
New Delhi. Respondents

(By Advocate: Shri Ramesh Kumar for ShriR.K.Shukla)

ORDER(ORAL)

By Hon'ble Mr. P.K.Basu, M(A)

The Respondents seeks adjournment on behalf of arguing counsel for the respondents stating that he is busy in the Hon'ble High Court.

2. This is a very old matter, the applicant is seeking consequential benefits in terms of the orders of Appellate Authority namely, Lt.Governor, Delhi passed on 29.05.2012 and subsequent office order dated 03.07.2012 which reads as under:-

"With reference to the appeal dated 10.03.2006 preferred by Smt. R.K. Arora w/o ShriN.D.Arora, Nursing Sister (Retd.) addressed to Hon'ble Lt.Governor of Delhi against the orders dated 6.9.2004 passed by erstwhile Corporation vide its Resolution No.355 thereby imposing the penalty of 5% cut for three years' upon Smt. R.K. Arora, Nursing Sister, issued and notified vide office order No.1/306/90/Vig./P/NK/2004/862 dated 9.12.2004, it is informed that Hon'ble Lt. Governor of Delhi in the capacity of Appellate Authority after considering the appeal and all the facts and circumstances of the case has been pleased to allow the appeal and to exonerate Smt. R.K.Arora, Nursing Sister with all consequential benefits vide his orders dated 29.5.2012."

2. The respondents in their reply affidavit have stated as follows:

"On receiving the above orders the applicant has put up a demand for payment of salary for the period she has not worked along with her promotions, 5th& 6th Pay Commission arrears along with release of 5% cut in pension.

Department is ready to release 5% cut in pension but there is no clarity on payment of all salaries, promotion etc. for the period she remained wilfully absent."

3. In view of clear orders of Appellate Authority and communication of the order dated 03.07.2012, it appears strange that in their reply, the respondents have taken a stand that there is no clarity in the order. As a result, despite order dated 03.07.2012 four years back no decision could be taken by the respondents.

4. In our view in the order of Lt. Governor, there is no ambiguity which have been a communicated by the respondents themselves

videorder dated 03.07.2012. The applicant is thus entitled to all consequential benefits i.e. salary from 21.08.1990 till 30.04.2002 (date of retirement), re-fixation of his pension, gratuity etc., payment of GPF with due interest under GPF Rule and other retiral benefits. This shall be done by the respondents within a period of 60 days from the date of receipt of a copy of this order.

5. The OA is accordingly allowed. No costs.

(Dr.BrahmAvtarAgrawal)
Member(J)

(P.K. Basu)
Member(A)

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