

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

OA NO.3825/2015

NEW DELHI THIS THE 5TH DAY OF OCTOBER, 2017

HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)

Pritam Chand Puri,
Aged about 61 years,
LDC (Retd.),
S/o Shri Damodar Singh,
G-21, Gali No.1,
Molarband Extn.,
Badarpur Border,
New Delhi-110044.

...Applicant

(By Advocate: Mr. S.S. Parihar)

Versus

1. The Secretary,
Rajya Sainik Board,
GNCT of Delhi,
No.1, Rajpur Road,
Opp. Tis Hazri Courts,
Delhi-110054.

2. The Controller of Accounts,
Principal Account Office,
Govt. of GNCT of Delhi,
Vikas Bhawan,
New Delhi-110002.

...Respondents

(By Advocate: Ms. Sumedha Sharma)

:ORDER (Oral):

MA No.3512/2015

This MA seeking condonation of delay of 147 days in filing the OA is allowed for the reasons contained therein.

OA No.3825/2015

The applicant joined as a Soldier in the Indian Army in 1973 and after serving the Army for 29 years, he retired in the year 2002. Thereafter, he was re-employed on 01.08.2006 as a Lower Division Clerk (LDC) in Rajya Sainik Board, GNCT of Delhi (respondent no.1). He retired from the service of Rajya Sainik Board on 28.02.2015.

2. The grievance of the applicant is that the respondents have illegally denied him payment of gratuity to him for the period of service he has rendered in the Rajya Sainik Board. Learned counsel for the applicant submitted that in terms of Annexure A-5 OM dated 05.05.2009 issued by Department of Pension and Pensioners Welfare, the applicant is entitled for payment of gratuity for the period of service under the respondent no.1.

3. Per contra, Ms. Sumedha Sharma, learned counsel for the respondents submitted that after retiring from the Army, the applicant joined under respondent no.1 as a civilian official and by that time, the New Pension Scheme (NPS) notified by the Government vide Annexure R-1 Notification dated 22.12.2003 and made effective from 1st of January, 2004, had come into existence. The applicant is not entitled for payment of gratuity in terms of the NPS.

4. I have gone through the pleadings of the parties and have also perused Annexure R-1 Notification of Ministry of Finance, Department of Economic Affairs. Admittedly, the applicant has been paid retiral dues by the Army, including gratuity for the period he served in the Army. Since, he joined under respondent no.1 as a civilian official on 01.08.2006, his post retiral benefits are to be governed by Annexure R-1 Notification dated 22.12.2003 of Department of Economic Affairs whereby the New Pension Scheme was introduced by the Government for all Government servants joining on or after 01.01.2004. According to this Notification, the applicant is not entitled for payment of gratuity.

5. I have also gone through Annexure A-5 OM dated 05.05.2009 issued by Department of Pension and Pensioners Welfare. Para 5 (III) of this O.M. deals with the issue of retirement gratuity. Since this O.M. is in regard to the additional relief on death/disability of a Government servant, the applicant is covered by this O.M.

6. In the conspectus of the discussions in the foregoing paras, I am of the clear view that the applicant is not entitled to retirement gratuity for the period of service rendered by him in Rajya Sainik Board of GNCT of Delhi since he had joined the service in Rajya Sainik Board on 01.08.2006, by which time the NPS had already come into effect.

7. Accordingly, the OA is dismissed being devoid of any merit. No order as to costs.

(K.N. SHRIVASTAVA)
MEMBER (A)

/jk/