

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

OA NO.2566/2014

New Delhi this the 14th day of September, 2018

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

Pawan Kumar Gupta,
Retired Senior Accountant,
S/o Late Sh. R.L. Gupta,
Aged about 65 years,
R/o B-3/1001 2A, Vaibhav Khand,
Lotus Pond, Indirapuram,
Ghaziabad-201010 (U.P.). ...Applicant

(By advocate: Mr. Nilansh Gaur)

VERSUS

1. The Secretary,
Ministry of Statistics &
Programme Implementation,
Sardar Patel Bhawan,
New Delhi-110001.
2. Controller of Accounts
Ministry of Statistics &
Programme Implementation
Room No.237, Second Floor
Yojana Bhawan, Parliament Street,
New Delhi-110001. ...Respondents

(By advocate: Mr. Hanu Bhaskar)

ORDER(ORAL)

Through the medium of this OA, filed under Section 19 of the Administrative Tribunals Act 1985, the applicant has approached this Tribunal praying for the following reliefs:

“ 8.1 Allow this OA and direct the respondents to immediately release the withheld retiral benefits of the applicant including Gratuity, Leave Encashment and

Pension with arrears and interest @ 12% p.a. w.e.f. 1.11.2009 till it is actually paid to the applicant.

8.2 Direct the respondents to immediately continue disbursal of Pension to the applicant on monthly basis.”

2. The factual matrix at the case, as noticed from the record, is as under:-

The applicant was working under respondent No.1. He retired on 31.07.2009 from the post of Senior Accountant. He had taken a personal loan from different Co-operative Societies/Banks. Some of these loans were discharged and some were pending. As a result thereof, at the behest of the lenders, the Civil Court ordered recovery of the outstanding loan amounts from the applicant. His pension was ordered to be attached. The applicant, being aggrieved by attachment of his pension amount, approached the Hon'ble High Court of Delhi in WP (C) No.14046/2009, which was dismissed vide order dated 03.06.2010. The review petition was also dismissed on 01.09.2010 with cost. The SLP filed against the High Court order was also dismissed by Hon'ble Apex Court on 14.03.2011 in limine. The applicant had challenged withholding of his pension and retiral benefits before the Tribunal in OA No.116/2010, which was disposed of vide order dated 13.01.2010 directing the respondents to treat the OA as representation of the applicant and take a decision on his submissions. Due to the Court orders, the applicant has not been paid all his retiral dues and even his pension has not been paid regularly. As a result, the applicant has

approached the Tribunal in the instant OA praying for the reliefs, as indicated in para (1) above.

3. Pursuant to the notices issued, the respondents entered appearance and filed their reply. Rejoinder has been filed by the applicant.

4. The applicant, in his rejoinder, has also enclosed "Due & Drawn Statement", which indicates that he had taken personal loan from 21 Co-operative Societies/Banks and the outstanding amount against the loans as on the date of filing the rejoinder i.e. on 27.08.2018, was Rs.10,24,550/-.

5. In para-4 of the rejoinder, the applicant has stated that he has not been paid pension from 01.01.2011 upto 31.07.2017. He has further stated that his gratuity amount has been withheld and so also his leave encashment. He has indicated that an amount of Rs.23,37,348/- is due to him from the respondents towards the retiral dues.

6. The applicant has, thus, contended that the outstanding loan amount could be deducted from the retiral benefits due to him and remaining amount be paid to him.

7. Learned counsel for the respondents controverted the averments made in para-4 of the rejoinder. He stated that the pension of the applicant has not been paid only from December, 2010 to March, 2015 and except this period, he has been paid

pension up-to-date. He submitted that there are some outstanding dues to be paid to the applicant towards gratuity, leave encashment and arrears of pay. He further submitted that the respondents have no objection to deduct the outstanding loan amount from the retiral benefits due to be paid to the applicant and after effecting such deduction, to pay the remaining amount to him. According to the respondents, the outstanding dues payable to the applicant is Rs.11,80,423/- on account of pension and part payment of gratuity, leave encashment and arrears of pay.

8. In view of the above, the OA is disposed of in the following terms:-

a) The applicant is directed to submit a comprehensive representation to the respondents, indicating therein the outstanding loan amount from various Co-operative Societies/Banks, as also the retiral benefits, which have not been released to him. He should also clearly mention in the representation the amount of outstanding loan amount to be deducted from his retiral benefits by the respondents. This shall be done within a period of two weeks from the date of receipt a copy of this order.

b) The respondents are directed to consider such representation of the applicant and after verification of the records, work out the retiral dues payable to the applicant, deduct the outstanding loans of the Cooperative Societies/Banks and pay the balance amount

to the applicant. This shall be done within a period of three months from the date of receipt of the representation.

(K.N. Shrivastava)
Member (A)

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