

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 4449/2017

New Delhi this the 5th day of December, 2018

Hon'ble Ms. Nita Chowdhury, Member (A)

Upendra Agnidev,
Aged about 62+ years,
S/o Sh. Pershu Ram Sharma,
R/o DG, 1/25A, Vikaspuri,
New Delhi
(Compulsorily retired on the post of Jr. Engineer) - Applicant

(By Advocate: Mr. SK Gupta)

VERSUS

Govt. of NCT of Delhi through

1. Chief Secretary,
Govt. of NCT of Delhi,
Players Building,
IP Estate, New Delhi
2. Chief Engineer (Irrigation & Flood),
LM Bund Office Complex,
Shastri Nagar, Delhi-110031
3. Executive Engineer,
Civil Division No.VII,
Govt. of NCT of Delhi,
Sector-15, Rohini,
New Delhi-110085
4. The Pay & Accounts Officer – XII,
Govt. of NCT of Delhi,
MSO Building, 10th Floor,
ITO, Delhi - Respondents

O R D E R (Oral)

The applicant has filed this Original Application (OA), seeking the following reliefs:-

“(i) direct the respondents to release pension, gratuity and other retiral dues to the applicant without any further delay;

- (ii) direct the respondents to release the amount of GPF along with the interest to the applicant without any further delay with the calculation of interest at GPF rate of interest upto the date of payment;
- (iii) direct the respondents to pay the interest on the amount as referred to prayer (i) above at the rate of 15% p.a. and the interest be calculated from the date when the amount was due upto the date of actual payment;
- (iv) may also pass any further order(s), direction(s) as be deemed just and proper to meet the ends of justice.”

2. When the matter is taken up for hearing, it is noticed that on the previous date, i.e. 28.11.2018, the Tribunal observed that the instant case pertains to non-release of pension and delay in release of the retiral dues (GPF, gratuity, leave encashment etc.) and the respondents had submitted a detailed status report enclosing a order dated 16.05.2018 whereby the PPO dated 20.04.2018 has been issued in the case of the applicant who had then pleaded that no pension has actually been paid to him.

3. The respondents have fairly produced a copy of the revised PPO dated 03.12.2018 in which the Central Pension Accounting Office (CPAO) has given the order to the Bank concerned to make payment of pension to the applicant. The applicant was repeatedly asked to give the details about the date on which he has made his request for payment of pension and submitted duly complete application forms to the respondents but he is unable to give any details.

4. As per Rule 59 c(iii) of the CCS (Pension) Rules, 1972, it is quite clear that submission of requisite papers by the employee is required to be made six months before his date of retirement. The respondents have also stated in their reply that *the delay in*

process of retirement benefits of the applicant is attributable to the applicant himself inasmuch as he did not submit the required pension papers in prescribed format, application for release of GPF amount along with GPF pass book, etc. after dismissal of the aforesaid OA by this Tribunal in December, 2014. The applicant is well aware of the process and procedure for release of retirement benefits, however, he did not comply with the requirement. Finally, the department has advised him to do the needful vide letter dated 06.02.2018 and on receipt of required documents on 24.02.2018, the same have been processed on 26.02.2018 and the final PPO was issued thereafter. There is no inaction on the part of replying respondents. The OA is devoid of any merit and deserves to be dismissed with cost against the applicant and in favour of replying respondents.

5. In his rejoinder, the applicant has just repeated his claim as filed in the OA. He has not contested the contentions and details furnished by the respondents with regard to the date on which he completed and submitted his pension papers. He has only admitted that after receiving a communication from the respondents on 08.02.2018, he has submitted his duly completed pension papers. Hence, his rejoinder itself bears out the fact after his OA No. 453/2002 was decided on 05.12.2014, he only submitted a representation on 14.12.2015 claiming all retiral dues. It is the responsibility of every employee to duly complete his pension papers and submit them to his employer, in this case, the respondents. But while submitting the representations, the applicant did not submit his duly filled in pension papers. In fact, it is only after submitting the duly filled in pension papers, the

process for sanction of the same can start as per the clear cut details provided in Rules 59 – 61 of the CCS (Pension) Rules, 1972.

6. Therefore, the role of the department to pay pension commenced on receipt of the required documents on 24.02.2018 and as per their averments, they have processed the same on 26.02.2018. However, it is found that the Pension Authority has taken about 8 months from the date of sanction of the pension order by the respondents. Hence, the delay beyond the period of three months for processing of the decision of the respondents by the Pension Authority comes within the definition of undue delay. In view of the same, the respondents are directed to pay interest on the delayed release of PPO for the period beyond three months from 26.02.2018 at the GPF rate of interest for the period till the date when the final PPO was released and sent to the Bank.

7. With the above directions, the OA is partly allowed. No order as to costs.

**(Nita Chowdhury)
Member (A)**

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