

**CENTRAL ADMINISTRATIVE TRIBUNAL  
Principal Bench, New Delhi**

**OA No.1801/2017**

New Delhi, this the 14<sup>th</sup> day of November, 2018

**Hon'ble Ms. Praveen Mahajan, Member (A)**

Shri Sandeep Bannerjee  
Aged about 62 years  
Group 'B'  
Designation -AE  
S/o late Shri S.C. Bannerjee  
R/o 30-B, JU Block, Pritampura  
Delhi – 110 058.

... Applicants

(By Advocate:Shri Gaurav Malhotra with Shri Atul)

**VERSUS**

State of N.C.T. of Delhi  
Through the Secretary  
Delhi Jal Board, Vigilance Department  
Varunalaya Phase-II, Karol Bagh  
New Delhi.

... Respondents

(By Advocate:None for respondentents)

**O R D E R** (Oral)

The present OA has been filed seeking the following reliefs :-

- “(a) allow the petition/application of the applicant and to set aside the Order No.DJB/EE(RWH/GWC)/2017/308 dated 13.02.2017 whereby the retirement benefits have been withheld illegally;
- (b) direct the respondent to release the retirement benefits which have been illegally withheld after the superannuation date as the enquiry has completed and moreover the punishment imposed is also likely to finish soon; and

- (c) pass such other or further order(s) as may be deemed fit and proper in facts and circumstances of the present case."

2. Briefly stated the facts of the case are that the applicant joined as Junior Engineer with the respondents department in December 1979. Thereafter he was promoted as Assistant Engineer in January, 1996. Two departmental proceedings were initiated against the applicant on 12.02.2013 and 24.06.2014 respectively. The applicant was charged for unauthorised absence from duty and for taking loan from banks without taking prior permission of the department. The applicant superannuated on 30.06.2015 but his retiral benefits alongwith gratuity, leave encashment etc. were withheld by the respondents on the ground that disciplinary proceedings were pending against him.

3. The Disciplinary Authority, vide orders dated 07.11.2016 and 19.05.2016 held the applicant guilty in both the enquiries. Vide the aforesaid orders the department deducted the pension of the applicant @ 7% per month for one year and it was also directed not to give him pay for the absentee period. (Annexure A-3).

4. The applicant did not challenge the said orders. The department did not release other retiral benefits to the applicant despite repeated reminders. The applicant states that the respondents have deducted the pension @ 7% per month in

compliance of the order but have failed to release the retiral benefits to the applicant, except his GPF.

5. The applicant has now challenged the impugned order dated 13.02.2017 vide which it has been directed as under :-

"DELHI JAL BOARD: GOVT. OF NCT DELHI  
OFFICE OF THE EXECUTIVE ENGINEER (RWH/GWH)  
ROOM NO-208, VARUNALAYA PH-I  
JHANDEWALAN NEW DELHI -110 005

No.DJB/EE (RWH/GWC)/2017/308

Dated 13.02.2017

In reference to your letter No.173 dated 07.02.2017, it is to inform you that reply from the office of the LO (Water) is received is as under :

"The concerned office is advised to not to release any pending payment to the individual until and unless he does not clear all the pending loan amounts of various banks/societies"

Payments shall only be released after orders of competent authority."

6. In the counter reply, the respondents state that the applicant had taken loan from various Banks without prior permission of the respondents. Due to this, the respondents have received notices from the Banks. In view of this misconduct of the applicant, certain benefits of the applicant have not been released and he has been directed to clear the liabilities of the bank and financial institutions.

7. During the course of hearing, on 29.10.2018, the learned counsel for the respondents Shri Himanshu Upadhyaya submitted that in case the applicant undertakes to file an affidavit that the

liability to re-pay the loan amount of Rs.1.50 lakh taken by him from various banks, societies and other financial institute, is his sole responsibility, then the respondents would have no problem in releasing his retiral dues.

8. At the time of hearing today (14.11.2018) no one was present from the side of the respondents. However, the learned counsel for the applicant Shri Gaurav Malhotra stated that as directed, the applicant has filed an additional affidavit dated 12.11.2018 stating as under:-

"I, Sandeep Banerjee aged about 64 year S/o Late Shri S.C. Banerjee R/o 7-C, JU Block, Pitampura, Delhi - 110 034 do hereby solemnly affirm and declare as under :-

1. That I undertake to clear all the loan amount taken by me from financial institution/bank as soon as I get my retiral benefits from Delhi Jal Board.
2. That Delhi Jal Board is not responsible for repayment of any loan taken by me and cannot held responsible to repay the loans take by me. It is my responsibility and liability to repay the loan and I specifically undertakes to repay the same once I get my retrial benefits."

9. In view of the aforesaid facts, the OA is allowed and the respondents are directed to release the retiral dues of the applicant. This must be done expeditiously and in any case not later than three months from the date of receipt of a copy of a certified copy of this order. The OA is accordingly disposed of.

**(Praveen Mahajan)**  
**Member (A)**



