

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

CP No.747/2017 in OA No. 1129/2014

New Delhi, this the 17th July, 2018

Hon'ble Ms. Praveen Mahajan, Member (Administrative)
Hon'ble Mr. S.N. Terdal, Member (Judicial)

Rajo @ Rajwati W/o Late Sh. Chander Pal
R/O K-485, Gali No. 7 Gautam Vihar
Ghonda, Delhi.

.....Applicant

(Present: Mr. Prakash Khandewal)

Versus

1. Sh. Madhup Vyas, Commissioner,
North Delhi Municipal Corporation
Civic Centre, Minto Road, New Delhi. -110002.
2. Sh. Jag Deep Chillar, Deputy Commissioner
North Delhi Municipal Corporation,
Rajpur Raod, Civil Lines, Delhi-110054. –

Contemnors/Respondents.

(Present: Ramesh Chander, Section Engineer on behalf of the respondents)

ORDER (ORAL)

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

Learned counsel for the applicant produced before us the order dated 15.01.2018 issued by the GNCTD – North Delhi Municipal Corporation, vide which the following orders have been issued:-

ORDER

NO.401/AC/CLZ/NDMC/2018
15.01.2018

Dated:

This order is to ensure that direction passed by Hon'ble CAT in this matter of Rajo & Rajwati Vs. MCD and others dated 11.04.2017. The gist of the matter is that one Sh. Chander Pal Sanitary Guide working with erstwhile MCD expired on 10.12.1999. The workman had worked in the Corporation w.e.f. 01.03.1980 to 31.12.1986. After 01.01.1987, he remained on absent from duty with effect to 10.12.1999. Thereafter on 10.12.1999 he got expired.

But, the family of the deceased neither informed about his death nor claimed for any terminal benefits since long. However after 15 years of his death, request to release terminal benefits was filed by the legal nominee of the deceased. Going through the file it was noticed that competent authority did not finalize the treatment of his absent period of duty w.e.f. 01.01.1987 to 10.12.1999, which is prerequisite before working out the actual admissible terminal benefits as per FR/SR.

This nominee of the deceased i.e. Smt. Rajo filed suit before Hon'ble CAT for want of terminal benefit. The Hon'ble CAT vide judgment dated 31.03.2017, copy placed opposite in the file, issued direction to the Department to issue speaking order within three months from the date of issue of orders. After the said orders by the Hon'ble CAT, the case of legal heir of the deceased employee Sh. Chander Pal has been processed in this department to ensure its compliance.

Accordingly, administrative approval for releasing terminal benefits with respect to GPF, GIS and DLI has been accorded with. Further, the period of absence from duty of Sh. Chander Pal from 01.01.1987 to 10.12.1999 has been condoned and it shall be treated as dies-non for terminal benefits. As regards family pension, this is being examined separately and shall be processed within two weeks.

Considering speedy disposal of the matter, it is directed that the legal heir be called in person and all the documentation required for availing terminal benefits be done on priority. SS/CLZ and ACA /CLZ is directed to ensure compliance of this orders at the earliest and preferably within 02 weeks."

2. In view of the same, we are satisfied that substantial compliance has been made to the directions of the Tribunal. Learned counsel for the applicant, however, stated that he is not being paid his regular pension. Accordingly, we direct the

respondents to expedite the process of the monthly pension to the LRs as already directed in the order.

3. Accordingly, the Contempt Petition is closed and notices are discharged.

(S. N. Terdal)
Member (J)

(Praveen Mahajan)
Member (A)

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