

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.1284/2018

New Delhi this the 11th day of May, 2018

Hon'ble Mr. K.N. Shrivastava, Member (A)

Lokpal Singh Negi, Age-65 years
(Retired Principal)
S/o Late Sh. B.S. Negi
R/o 131-B, Sunder Apartments,
Paschim Vihar, New Delhi.

Applicant

(Applicant: Shri Sourabh Ahuja)

Versus

1. GNCT of Delhi
Through its Secretary
Players Building, I.P. Estate,
New Delhi-110002
2. Principal Secretary/Secretary
Directorate of Training and Technical Education
GNCT of Delhi
Muni Maya Ram Marg,
Pitampura, Delhi.
3. Chief Vigilance Officer
GNCT of Delhi
Players Building, I.P. Estate,
New Delhi-110002
4. Pay and Account Officer
PAO-25,
GNCT of Delhi,
Peeragarhi (DTC Depot),
Delhi.
5. Principal
Gurunanak Dev Institute of Technology,
GNCT of Delhi,
Rohini, Sec-15, Delhi.

6. Director
Directorate of Training and Technical Education
GNCT of Delhi
Muni Maya Ram Marg,
Pitampura, Delhi.

-Respondents

(By Advocate: Shri R.N. Singh with Shri Vaibhav Pratap Singh)

ORDER (Oral)

The applicant was appointed as Lecturer under Directorate of Training and Technical Education (DTTE-R-6) on 26.12.1980. Respondent No.6 comes under the administrative control of Respondents No. 1&2. The applicant was placed in-charge of the post of Principal, Gurunanak Dev Institute of Technology (Respondent No.5) in officiating capacity on 01.08.2005. He continued to work as Officiating Principal till the date of his superannuation on 30.09.2017.

2. The grievance of the applicant is that his retiral dues including pension have not been sanctioned to him by the respondents so far purportedly due to non-grant of vigilance clearance to him, as would be evident from the letter dated 27.11.2017 from S.O. (Vigilance) to Superintendent (Admn.), DTTE (HQ). It is further noticed that the S.O. (Vigilance) has written yet another letter on 27.02.2018 to Section Officer (Admn.), DTTE, drawing attention to DoP&T OM's dated 14.12.2007 & 02.11.2012, according to which

vigilance clearance may be denied only on the following three grounds:-

- “(i) Government servants under suspension;
- (ii) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and
- (iii) Government servants in respect of whom prosecution for a criminal charge is pending”.

3. It is recommended in the said letter that the case of the applicant does not fall under any of the above grounds and, therefore, his pension case may be processed.

4. The respondents in their reply have only given details of correspondence made at various levels with regard to the vigilance clearance *qua* the applicant but have nowhere categorically stated the reasons as to why the pensionary benefits have not been released to him.

5. The law is well settled by the Hon’ble Apex Court in **Union of India vs. K.V. Jankiraman etc.** [AIR 1991 SC 2010], wherein it is clearly laid down that a Government servant is construed to be free from vigilance angle until and unless it is proved that a charge sheet has been issued to him and thus disciplinary proceedings are pending against him or he has been placed under suspension or he is being prosecuted in any criminal case.

6. In the present case, I find that in terms of the dictum of the Hon'ble Apex Court in **K.V. Jankiraman** (supra), the applicant is free from vigilance angle. The same position has been confirmed by the S.O. (Vigilance) in his letter dated 27.02.2018. The DoP&T OMs dated 14.12.2007 & 02.11.2012 also confirm this position.

7. Under these circumstances, I see no reason as to why the applicant's pensionary benefits should not be released.

8. In the conspectus, I allow the OA with the following directions to the respondents:-

- i) ***The respondents are directed to release all the pensionary benefits viz; gratuity, commutation value of pension, leave encashment, CGEGIS and regular pension within a period of two months from the date of receipt of a certified copy of this order;***
- ii) ***The applicant shall be entitled for the interest on the arrears of the pensionary benefits @ 8% from 01.10.2017 and till the date of payment.***

9. No order as to costs.

(K.N. Shrivastava)
Member (A)

cc.