

**Central Administrative Tribunal
Principal Bench**

OA No.2355/2018

New Delhi this the 22nd day of May, 2019

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

PK Mehra,
Supdt./Retd. (Aged 70 yrs.)
R/o Vill./PO-Kanganheri,
New Delhi-110071

- Applicant

(None)

VERSUS

Union of India & Anr.

Through

1. Secretary to Govt. of India,
Ministry of Home Affairs (Delhi-11),
North Block, Central Secretariat,
New Delhi-110001

2. Director, Social Welfare,
Govt. of NCT of Delhi,
GLNS Complex, Delhi Gage,
New Delhi-110002

- Respondents

(By Advocates: Mr. GD Chawla for Ms. Harvinder Oberoi for respondent no.1 and Dr. Ch. Shamsuddin Khan for respondent no.2)

ORDER (Oral)

The applicant has filed this OA, seeking the following reliefs:-

- “(i) direct the respondents to release immediately the arrears of provisional pension w.e.f. Feb.2014 to July, 2015 with 18% interest per annum till the date of payment.
- “(ii) Pass any other order(s) or direction(s) as deemed fit may be issued in the interest of justice.”

2. Nobody appears for the applicant Hence, we proceed with the matter under Rule 15 of the CAT (Procedure) Rules, 1972.
3. While perusing the record, we find that on 26.02.2019, learned counsel for the respondent no.2 had submitted that the relief claimed by the applicant has been granted and he had sought and was given time to file the same through an additional affidavit. Today, counsel for the respondents drew our attention to the detailed affidavit dated 26.03.2019. On 10.05.2019, counsel for the applicant had taken a week's time to file the rejoinder to the additional affidavit. We do not find any rejoinder on the file.
4. From the additional affidavit, we also find that the respondents have placed at Annexure AA-1, a copy of the order dated 26.12.2018 vide which the disciplinary proceeding against the applicant has been finalized and subsequent to that they have passed the order with regard to the payments made which reads as under:-

“I am directed to refer to Department of Social Welfare, GNCTD’s letter No.9(10)/88/DSW/Estt./280320 dated 01.11.2018 on the subject mentioned above and to say that as per Rule 69 of CCS (Pension) Rules, 1972, a Government servant shall be authorized provisional pension by the Accounts Officer during the period commencing from the date of retirement up to and including the date on which, after the conclusion of departmental or judicial proceedings, final orders are passed by the Competent Authority. In the case of Sh. PK Mehra, final orders were issued on 30.07.2015. However, as informed by GNCTD vide aforesaid letter dt. 01.11.2018, the provisional pension of Sh. PK Mehra had been stopped in compliance of MHA’s order No. 14033/6/2016-Delhi-II dt. 05.12.2013. This order dt. 05.12.2013 was set aside by Hon’ble CAT vide order dt. 20.01.2015 in OA No. 1602/2014 and the case attained finality after issuance of a fresh order dt. 30.07.2005. Therefore, Sh. PK Mehra, Supdt. (Retd.) was entitled for receiving admissible provisional pension till July, 2015.

2. It is therefore requested that the admissible amount of provisional pension for the intervening period, i.e. February, 2014 to July, 2015 may be released to Sh. PK Mehra, Supdt. (Retd.) as per the provisions of Rule 69 of CCS(Pension) Rules 1972.”

and also given a copy of Payment Certificate dated 16.01.2019 in compliance thereof.

5. In view of the above, nothing remains to be adjudicated in this OA and the same is disposed of accordingly. No costs.

(Nita Chowdhury)
Member (A)

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