

**Central Administrative Tribunal
Principal Bench**

OA No.4094/2016

New Delhi, this the 5th day of February, 2019

**Hon'ble Sh. Justice L. Narasimha Reddy, Chairman
Hon'ble Sh. Mohd. Jamshed, Member (A)**

Sh. P.S. Verma, S/o Mool Chand
Dy. Director(Retd.), B-256/A,
Mohan Garden Rama Park Road
Uttam Nagar, New Delhi-59
Aged about 65 years.

... Applicant

(By Advocate: Shri Malaya Chand)

Vs.

Delhi Development Authority
Through its Vice Chairman
Vikas Sadan, INA
New Delhi-110003.

...Respondent

(By Advocate: Ms. Manisha Tyagi)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The applicant retired from service of the respondent herein in the year 2011. Disciplinary proceedings were pending by the time he retired from service. The benefits such as leave encashment and gratuity were not extended to him soon after his

retirement, though it appears that pension was sanctioned.

2. This OA is filed with a prayer to direct the respondents to release post retirement benefits such as leave encashment, gratuity and pension and direct the respondents to pay interest @18% on the delayed payment.

3. The respondents filed a counter affidavit opposing the OA. According to them, the retirement benefits were not released to the applicant on account of pendency of the disciplinary proceedings and it was only through order dated 21.06.2016 that the applicant was imposed the punishment of cut in pension to the extent of 25%. It is also stated that shortly thereafter all the benefits were released to the applicant.

4. Heard Shri Malaya Chand, learned counsel for the applicant and Ms. Manisha Tyagi, learned counsel for the respondents.

5. On account of the developments that took place during the pendency of this O.A., substantial relief, i.e.,

payment of gratuity, is already granted. The question is only about interest.

6. It is no doubt true that the Government is under obligation to release pension and other benefits soon after the employee retires from service. There are also provisions such as Rule 68 of the CCS (Pension) Rules which place obligation on the Government to pay interest on the delayed payment. However, exception is carved out in cases where the non payment is on account of pendency of disciplinary proceedings. In the instant case, it is not in dispute that the applicant was facing disciplinary proceedings by the time he retired from service. It was only on 21.06.2016 that the disciplinary authority passed an order imposing punishment of 25% in pension for a period of ten years.

7. In the counter affidavit, it is stated that the other benefits were released to him in the month of December 2016 itself.

8. Learned counsel for the applicant placed reliance upon certain office memoranda which deal with the payment of interest in cases where the employee had

faced disciplinary proceedings. A perusal of the same discloses that the starting point for reckoning the period in such cases is the date on which the competent authority passes the order determining gratuity. The applicant is not able to place any such order, much less indicating date. So is the case with the other benefits.

9. We are convinced that there was no delay in payment of the benefits and thereby the respondents are not under obligation to pay the interest. The applicant places reliance upon the orders in OA No.4304/2010 and OA No.4490/2015. We are of the view that the facts of the present case are substantially different and no relief can be granted to the applicant.

10. OA is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/

