

**Central Administrative Tribunal
Principal Bench**

OA No.2942/2013

New Delhi, this the 3rd day of January, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Jagdish Prasad Singh
S/o Late Sh. Ram Lochan Singh
Retd. Dy. Secretary
Chief Labour Commissioner(C)
Shram Shakti Bhawan, 5th Floor
Rafi Marg, New Delhi-110001.

Residential Address:

B-39, Jain Mandir Gali
Shakarpur, Delhi-110092. ... Applicant

(By Advocate: Shri S.P. Sethi for Shri G.D. Bhandari)

Versus

Union of India & Ors.

1. The Secretary, M/o Labour & Employment
Shram Shakti Bhawan
Rafi Marg, New Delhi-110001.
2. The Chief Labour Commissioner(C)
Shram Shakti Bhawan
Rafi Marg, New Delhi-110001. ... Respondents

(By Advocate: Shri Satish Kumar)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The applicant was working as Section Officer in the Shram Shakti Bhawan. When he was working in the

Office of Protectorate of Emigrants, Bombay, the Anti Corruption Branch of the Vigilance Department, conducted a raid on 31.08.1989. A case was registered against the applicant and other connected persons. Based on this development, the applicant was placed under suspension on 28.02.1991 and a charge sheet was issued on 03.06.1991. Another charge sheet was issued on 12.03.1991. During the pendency of these proceedings, the applicant sought voluntary retirement and he was permitted to retire with effect from 08.01.2003 through the order of the same date.

2. The disciplinary proceedings initiated against the applicant were dropped through an order dated 26.07.2005. The Special Court of CBI at Mumbai acquitted the applicant through its judgment dated 30.07.2009.

3. After the applicant was acquitted in the criminal case, his case was also taken up for granting the benefit of notional promotion to the post of Under Secretary and thereafter, Deputy Secretary. Through an order dated 01.10.2010, the applicant was promoted from the post of SO to the post of Under Secretary w.e.f. 01.07.1990. Thereafter, he was

promoted to the post of Deputy Secretary on notional basis through an order dated 05.05.2011 with effect from 01.07.1997.

4. This OA is filed with a prayer to direct the respondents to pay interest on the delayed payment of retirement benefits to the applicant and to award cost and compensation for the inconvenience he was subjected to. The applicant contends that he has been subjected to undue harassment and mental agony and once the departmental and the criminal proceedings ended up in his favour, he is entitled to be compensated for the same.

5. The respondents filed a counter affidavit. It is stated that all possible help was extended to the applicant and sometimes deviating from the normal proceedings. It is stated that the applicant was permitted to take voluntary retirement even while the disciplinary proceedings were pending and since the criminal case ended in acquittal, the benefit of notional promotion to the post of Under Secretary and Deputy Secretary, with retrospective effect, were extended to him.

6. We heard Shri S.P. Sethi proxy counsel for Shri G.D. Bhadari, learned counsel for the applicant and Shri Satish Kumar, learned counsel for the respondents.

7. The raid conducted at the office where the applicant was working resulted in initiation of criminal as well as disciplinary proceedings. Two charge memos were issued and a criminal case was filed in the Special Court of CBI at Mumbai. Normally, when such proceedings are pending an employee is not permitted to take VRS. However, in the case of the applicant he was permitted to take VRS w.e.f. 08.01.2003. It is not even alleged that the benefits of VRS were not extended to him soon after, he was permitted to retire. The dispute is only as regards the notional promotion and the consequential benefits.

8. The notional promotion could not have been granted to the applicant as long as the disciplinary proceedings and criminal case were pending. The disciplinary proceedings were dropped through separate orders and the criminal case ended only on 30.07.2009. With all promptness, the respondents passed the orders promoting the applicant to the post of Under Secretary and thereafter to the post of Deputy

Secretary with retrospective effect. The corresponding benefits were also paid to him.

9. The claim of the applicant is as regards the interest. The occasion to grant interest would arise if only there was undue delay on the part of the respondents in extending the benefits. As observed earlier, the notional promotion could not have been granted to the applicant as long as the criminal case was pending. Soon after, the acquittal of the applicant, the files were moved and the little delay that occurred on account of inter departmental correspondence, cannot be said to be a factor to award the interest.

10. We do not find any merit in the OA. It is accordingly dismissed. There shall be no orders as to costs.

(Pradeep Kumar)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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