

**Central Administrative Tribunal
Principal Bench**

OA No. 618/2019

New Delhi this the 2nd day of September, 2019

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

Dr. Yog Dhyan Banga,
Principal Commissioner (Retd.)
Aged 61 years, Group 'A',
S/o Sh. Jai Ram Dass,
R/o VP 270B, Mauraya Enclave,
Pitampura, New Delhi-110034 - Applicant

(By Advocate: Mr. Rajinder Nischal)

VERSUS

1. Union of India,
Through the Secretary,
Department of Revenue,
North Block, New Delhi-110001
2. The Chairman,
Central Board of Indirect Taxes & Customs,
Department of Revenue,
North Block, New Delhi-110001 - Respondents

(By Advocate: Mr. U. Srivastava)

ORDER (Oral)

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

- "i. respondent be directed to sanction regular pension to the applicant and release of all the retiral benefits, as admissible to the applicant;
- ii. grant interest @9% per annum w.e.f. 01.09.2017 till its realization, on all withheld retiral benefits;
- iii. cost of the litigation;

- iv. pass any other relief that this Hon'ble Tribunal may consider fit in the interest of justice."

2. During the arguments, counsel for the applicant has submitted that he has not pressed his relief (i), as during the pendency of this OA, the respondents have released the regular pension and all other retiral benefits to the applicant. He has thus prayed for grant of interest @9% w.e.f. 01.09.2017 till its realization on all withheld retiral benefits.

3. The respondents have vehemently argued the case and filed their short affidavit in which they have stated that the representation of the applicant had already been processed and was under active consideration and a vigilance status/clearance has also been made available vide its order dated 12.04.2019 which reads as under:-

"2. The matter has been examined in the Board, Since no disciplinary/criminal case is pending against Sh. YD Banga his pensionary benefits may be released immediately under intimation to the board. A copy of the Vigilance Statgus/Clearance issued by Ad.V vide their letter no.B-11015/03/2019-Ad.V 12.04.2019 is enclosed for ready reference. You are also requested to fix responsibility for this delay, especially at the end of PAO."

4. After hearing learned counsel for the parties and perusing the record, it is clear that delay in releasing the regular pension and all other retiral benefits is wholly

attributable to the respondents as they have withheld the same benefits without any disciplinary/criminal case pending against the applicant at the time of his retirement, i.e., 31.08.2017 as shown from Annexure R/1 of their short affidavit. It is also noticed that the provisional pension is being granted to the applicant after his retirement and

hence, it is presumed that the same is being paid only on completion of all pension papers. Hence, in view of the above factual position, the respondents are directed to grant interest on all the delayed payment of retiral dues admissible as per rules at the rate applicable to the GPF deposits as per Rule 68 of the CCS (Pension) Rules, within a period of 90 days of receipt of a copy of this order.

5. With the above directions, the OA is allowed and disposed off. No costs.

(Nita Chowdhury)
Member (A)

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