

**Central Administrative Tribunal  
Principal Bench**

**OA No. 886/2018  
MA No. 984/2018**

New Delhi this the 8<sup>th</sup> day of July, 2019

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

Brahampal Singh Dholyan,  
S/o Sh. Raghunath Singh Verma,  
R/o H.No.1/4649/180-A,  
Gali No.7, Budh Vihar,  
New Modern Shahdara,  
Delhi-110032

- Applicant

(None)

VERSUS

1. East Delhi Municipal Corporation,  
Through the Commissioner,  
EDMC Headquarter,  
419, Udyog Sadan,  
Patparganj Industrial Area,  
Patparganj, New Delhi-110096
2. The Commissioner,  
East Delhi Municipal Corporation,  
EDMC Headquarter,  
419, Udyog Sadan,  
Patparganj Industrial Area,  
Patparganj, New Delhi-110096
3. The Director of Education,  
East Delhi Municipal Corporation,  
EDMC Headquarter,  
419, Udyog Sadan,  
Patparganj Industrial Area,  
Patparganj, New Delhi-110096

- Respondents

(By Advocate: Mr. MS Reen)

**ORDER** (Oral)

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

- “(a) release the pension, gratuity, commutation pension amount etc. to the applicant with immediate effect.
- (b) further pay the litigation charges with interest on the delayed payment;

- (c) Any other order or directions which this Hon'ble Court deems fit and proper in the facts and circumstances of the case may also be granted in favour of the applicant."

2. Nobody appeared for the applicant on the previous dates, viz 28.03.2019 and 25.04.19. On 05.07.2019, the applicant was given a last opportunity to present her case. However, the applicant is not present even today. Hence, the matter is disposed of under Rule 15 of the CAT (Procedure) Rules, 1987.

3. The applicant, through this OA, has mainly sought a direction to the respondents to release the pension, gratuity and commutation pension amount etc. to her with immediate effect.

4. The respondents, while contesting the OA, do not fully deny the contentions made by the applicant in his OA. They have filed their CA in which they have been able to show that the applicant has been partly paid the leave encashment of Rs.4,92,456/- vide cheque no.481716 dt. 01.11.2016, GPF amount to tune of Rs.4,81,713/- dt. 28.02.2017 and Rs.15,680 toward GIS payment. They have also issued Pension Payment Order vide No. SN/2016/DEC/Edu/SAP/206 to the applicant. However, as regards demand for payment of gratuity and computation of pension have also been sent to HQ vide demand No.281/11/16/01/2017, but the same shall be paid on account of non-availability of funds from HQ. They have further submitted that the EDMC have made a procedure/system by which they are releasing the pensionary benefits to their employees and according to this procedure the employees who were retired till October, 2015 have only been paid DCRG & Commutation of pension. Hence, the remaining payment could not be released to the applicant due to paucity of funds.

5. The respondents have mainly contended that the respondent – EDMC does not have the financial resources to pay all dues of all employees at one time and in view of the paucity of funds in the respondent – organization, they are paying employees as and when they have funds. At present, only employees, who have retired till October, 2015 have been paid.

6. Hence, in view of the above stated position, we direct the respondents to strictly follow the procedure laid down by them for payment of pensionary benefits to this applicant also.

7. With the above directions, the OA stands disposed of. Pending MA No. 984/2018 is accordingly disposed off.

8. However, liberty is given to the applicant to approach the respondents by filing a fresh representation if he is not paid his retiral dues according to the procedure laid down by the respondents and the respondents shall pass a speaking order on the same. No order as to costs.

**(Nita Chowdhury)**  
**Member (A)**

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