

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
NEW DELHI**

O.A. NO.1147 of 2018

This the 4th Day of September 2019

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

Raj Kumar Thakur, Retd. SE (C)
Aged about 60 years,
s/o Late Sh. Lachhman Singh,
r/o 53, Neelgiri Apartments, Sec-9,
Rohini, Delhi-110085.

....Applicant

(By Advocate : Shri M.K. Bhardwaj)

VERSUS

1. Union of India,
Through its Secretary,
Ministry of Housing & Urban Affairs,
Nirman Bhawan, New Delhi.
2. The Director General,
Central Public Works Department,
Ministry of Housing & Urban Affairs,
Nirman Bhawan, New Delhi.
3. The Addl. Director General (S&P)
Central Public Works Department,
Ministry of Housing & Urban Affairs,
Nirman Bhawan, New Delhi.

.....Respondents

(By Advocate : Shri A.K. Singh)

O R D E R (Oral)

By filing this OA, the applicant is seeking the following
reliefs:-

“i) To quash and set aside the impugned order dated 8.1.2018 (A-1) & 21.01.2018 and direct the respondents to release the applicant retirement benefit viz. Gratuity, Commutation of Pension, leave encashment, GPF etc. along with interest @

18% per annum from the date of retirement till actual payment.

- ii) to allow the OA with exemplary cost.
- iii) To pass such other and further order which their Lordships of this Hon'ble Tribunal deem fit and proper in the existing facts and circumstances of the case."

2. Today when this matter is taken up for consideration, counsel for the applicant fairly submitted that the respondents have released the admissible amount of the applicant's retiral dues but they have not paid interest as the delay is not in any way attributable on the part of the applicant and as such the applicant is legally entitled to interest on the delayed payment of his retiral dues.

3. Counsel for the respondents by referring to the counter affidavit submitted that all the dues relating to retiral benefits of the applicant have been released to him. However, on the issue of interest, he submitted that fresh vigilance status in the applicant's case has issued by MoHUA (respondent no.1) only vide letter dated 8.3.2019 wherein they stated that there is no vigilance case pending against the applicant.

4. After hearing the learned counsel for the parties and perusing the pleadings available on record, it is observed that this is a case in which the applicant, who was working as Superintending Engineer (C) in the CPWD, gave his voluntary retirement application dated 18.5.2017 to the respondents and his case was referred to the vigilance department for

vigilance clearance which authority vide letter dated 11.7.2017 (Annexure A-2) stated as under:-

Name (s/Shri)	Post Held	Vigilance status
Raj Kumar Thakur	SE (C)	(i) No Vigilance case is pending. (ii) A complaint registered on 09.06.2017 regarding collapse of roof during casting of concrete in central academy for police training (CAPT) at Kanhasaiya, Bhopal is under examination against him

Vide order dated 28.7.2017 (Annexure A-3), respondents accepted the notice given by the applicant under Rule 48 of CCS (Pension) Rules, 1972 and allowed him to retire voluntarily from Government service w.e.f. 17.8.2017 (A/N).

5. Since from the aforesaid bare minimum facts, it is quite clear that applicant was allowed to retire voluntarily w.e.f. 28.7.2017, and therefore, immediately after this date i.e. 28.7.2017, after taking a reasonable time as provided in the CCS (Pension) Rules, 1972 for processing and obtaining necessary sanction for disbursal of the same, they were duty bound to release all the retiral dues to the applicant of this OA but from the perusal of the counter affidavit, it is evidently clear that the said payments of retiral dues of the applicant were released in 2018 and 2019, which apparently were paid to him after delay which cannot be attributable on the applicant. Further the contention of the respondents that

delay in making the payment of retiral dues of the applicant was due to non availability of fresh vigilance status and only after receipt of fresh vigilance clearance on 8.3.2019, they have immediately released all the retiral dues to the applicant, is not sustainable in the eyes of law as the applicant was allowed to retired w.e.f. 28.7.2017 vide order passed by the respondents on 28.7.2017.

6. However, it is observed that this is not a normal case of retirement. Nevertheless, there is no rule about processing of retirement dues except in terms of the provisions of Clause (2) of Rule 59 of the CCS (Pension) Rules, 1972, which provides as under:-

“(2) Action under Clauses (a), (b) and (c) of sub-rule (1) shall be completed eight months prior to the date of retirement of the Government servant.”

The said provision clearly provides that eight months' time is permitted to the respondents to process the retirement claim of an employee. Hence, in this case also the respondents are permitted, in compliance with the provisions of Clause (2) of Rule 59 of CCS (Pension) Rules, to count the period of eight months from the date of voluntary retirement/submissions of pension papers by the applicant for payment of his retirement benefits. The delay over and above the said period shall entail payment of interest at the GPF rate as so calculated by the respondents. The said payment will be made to the applicant

within a period of 45 days from the date of receipt of a certified copy of this Order.

7. In the result, the present OA is allowed in above terms.

There shall be no order as to costs.

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

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