

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 1235/2019
MA No. 1359/2019

Order Reserved on: 03.10.2019
Order Pronounced on: 09.10.2019

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

Suresh Chandra Gautam, Aged about 59 years,
S/o Shri D.C. Gautam,
Rtd. as Station Supdt./Delhi Division,
Northern Railway,
(on permanent absorption in IRCTC)

R/o EC-303, Maya Enclave,
Hari Nagar, New Delhi-64

- Applicant

(By Advocate: Mr. MS Saini)

Versus

1. Union of India through
The General Manager,
Northern Railway, Hqrs. Office,
Baroda House, New Delhi-001
2. The Divisional Railway Manager,
Delhi Division, Northern Railway,
State Entry Road, New Delhi-001
3. Sr. Divisional Finance Manager,
Delhi Division, Northern Railway,
State Entry Road, New Delhi-001

- Respondents

(By Advocate: Mr. Krishna Kant Sharma)

ORDER

This OA has been filed by the applicant, seeking the following reliefs:-

- “i) Call for the records;
- ii) Allow the OA with costs;
- iii) To direct the Respondents to grant interest at the rate of 18% or as deemed fit in respect of all delayed

payments of retirement of retirement benefits, including pension as per details furnished in Annexure A-1.

- iv) Any other relief or direction which this Hon'ble Tribunal deems fit and proper in view of the facts and circumstances of the case may be granted in favour of the applicant and against the respondents."

2. The applicant in this OA is mainly aggrieved by the inordinate delay caused by the respondents in making the payment of his retiral dues such as Pension, Gratuity, GPF, Leave Encashment, Commuted Pension etc. from the due date, i.e., 17.11.2016 viz. the date of his retirement on technical resignation for permanent absorption in the IRCTC, a Public Sector Undertaking under the Ministry of Railways for nearly about 36 years.

3. The respondents, while contesting the OA, have filed their Counter Affidavit and submitted that this was not the normal retirement case where advance action/procedure are undertaken for the release of settlement and dues as prescribed in the Railway Rules at least three months in advance from the date of retirement of an employee. They have contended that on receipt of required documents from the applicant and ACME Section, i.e. SR/Leave Account and other relevant papers and clearance from Associate Finance of IRCTC office where he was absorbed after tendering technical resignation from railway and after completion of all the observations and other requirements, the settlement dues of the applicant were released in his favour

in different spells as mentioned in Annexure A-1. They have further contended that lots of correspondence with the department were made for seeking correctness of his pay and other issues as pointed out by the associate finance and on the receipt of final clearance for the payment of gratuity from the office of IRCTC which was received in this office in the mid of December 2018 vide letter dated 13.12.2018.

4. After hearing both the counsel for the parties and perusing the pleadings on record, when the counsel for the applicant was asked about the date of submission of the pension papers by the applicant, he was unable to give us any information on the same. We have also examined the letter dated 22.01.2019 of the applicant addressed to the DRM, Delhi Division, Northern Railway New Delhi in which he has only stated as under:-

“2. Sensing this unnecessary delay in availing pension & other benefits, I decided to personally pursue my case with concerned department i.e personal branch & settlement section.

To my letter disbelief it was found that, I am declared “DEAD” by these officials in my service records having served Indian railways religiously these 36 years, this kind of treatment meted out to our own department is very painful. Further with my personal efforts, I succeeded registering my name through CRIS in the record.

Having done all this exercise, I received my provident fund after 4 months & further efforts gained me commutation, leave encashment & general insurance after 15 months of my retirement, i.e., Jan, 2018. “

Again from this letter, we do not find any date on which he had submitted his duly filled in pension papers. So in the absence of this information, we are unable to exactly make any calculation of delay in giving of pension which has occurred in this matter. From the letter quoted above, it becomes clear that this is an unusual case in which as per the applicant's own statement in his representation, he was declared 'dead' in his parent department and this must be the cause of delay in processing his pension papers. We also find merit in the contention of the respondents that this was not a case of normal retirement where the advance action procedure has been prescribed and the due payments being released on completion of required formalities from the department as well as IRCTC where the applicant was absorbed after tendering technical resignation. This fact is also borne out from the rejoinder filed by the applicant stating that after acceptance of technical resignation by Northern Railway, he was absorbed in IRCTC w.e.f. 17.11.2016 and the retiral dues were released only during 2018 and 2019 after an abnormal delay spanning over the period of 1 1/2 years to 2 years. But in the rejoinder also, we do not find any date of submission of pension papers by the applicant.

5. Hence, in view of non-mentioning of the date of submission of pension papers by the applicant in the OA and rejoinder as well and in view of the peculiar facts that this being a case of absorption in IRCTC on acceptance of technical

resignation by the Railways w.e.f. 17.11.2016, we are unable to find out exactly how much delay had occurred in submitting the pension papers by the applicant. However, in the circumstances, the respondents are directed to calculate and pay the interest, if any, as per rules on the retiral benefits of the applicant beyond the period of three months from the date of submission of his duly filled in pension papers as per Rule 80 of the Railway Service (Pension) Rules, 1993 within a period of 90 days from the date of receipt of a copy of this order. Interest, if any, will be paid as per the GPF rates of interest.

6. With the above directions, the OA stands disposed of. Pending MA No. 1359/2019 also stands disposed of. No order as to costs.

(Nita Chowdhury)
Member (A)

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