

**Central Administrative Tribunal  
Principal Bench**

**OA No. 2187/2017**

**Reserved on: 07.05.2019  
Pronounced on: 08.07.2019**

**Hon'ble Mr. Mohd. Jamshed, Member (A)**

Mrs. Vandana Tiwari,  
(Retired Principal)  
Aged 58 years  
W/o Dr. R. S. Tiwari,  
R/o Flat No. 102, Neelkanth Apartments  
Sec. 21C, Part-III, Faridabad- 121001  
(Haryana) 121001.

...Applicant

(By Advocate: Mr. C. N. Sreekumar (Sr. Advocate), Mr.  
Amit Sharma and Ms. Malvika B. Pillai)

Vs.

1. The Secretary Education,  
Government of NCT of Delhi,  
Old Secretariat, Delhi – 54.
2. The Director,  
Directorate of Education,  
Government of NCT of Delhi,  
Old Secretariat, Delhi – 54.
3. Deputy Director,  
Education, Distt. North,  
Government of NCT of Delhi, Deptt. Of  
Education, Lucknow Road, Delhi – 54.
4. Education Officer, Zone VIII, Dept of  
Education, Government of NCT of Delhi,  
Pratap Nagar, Delhi – 7.

...Respondents

(By Advocate: Mr. Rohit Bhagat for Mr. Saurabh Chadda)

**ORDER****Mohd. Jamshed, Member (A):-**

The applicant was working as Principal in a school run by Government of NCT of Delhi. On 29.06.2016, she tendered a notice for voluntary retirement from the service of the respondents. Her request for voluntary retirement was accepted by the Competent Authority on 04.01.2017, indicating that the applicant shall stand retired w.e.f. 01.10.2016, as requested. Thereafter, the applicant submitted various representations for payment of retiral dues and pension. In view of the delay being caused by the respondents in making the due payments, the applicant, further, made a representation dated 01.03.2017 to the respondents asking for retiral benefits with 12% interest. Despite this, the retiral benefits were not paid to the applicant and aggrieved by this action of the respondents she has filed the present OA seeking the following relief(s):-

*"(a) To direct the respondents to disburse to the petitioner all Retiral benefits as are due to the petitioner including pension, gratuity etc. with 12% interest from 1.10.2016.*

*(b) Allow cost of these proceedings.*

*(c) Grant any other relief which this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case."*

2. The respondents in their counter reply have opposed the OA indicating that the applicant has failed to put forward the facts correctly. It is submitted that all the pending dues/retirement benefits have been timely disbursed by the respondents to the applicant and no amount pertaining to post retirement benefits of the applicant is pending and, therefore, the instant OA is not maintainable.

3. Although no rejoinder has been submitted to the counter reply filed by the respondents, during the arguments, learned counsel for the applicant accepted that all the retiral benefits including pension have been received by the applicant and the relief sought is now only limited to payment of 12% interest from 01.10.2016 on account of delayed payment.

4. Learned counsel for the respondents argued that this is a case of the applicant seeking voluntary retirement and not on superannuation. The applicant had given a notice of voluntary retirement dated 28.04.2016 seeking voluntary retirement w.e.f. 01.08.2016. However, this was subsequently changed by another notice dated 29.06.2016 served by the applicant

intimating extension of voluntary retirement by two more months, i.e. w.e.f. 01.10.2016. The applicant had submitted that this extension is being sought as "*pay commission recommendations and new scales are likely to be effective soon after acceptance*". The voluntary retirement case was processed by the respondents and the orders were issued by the Competent Authority on 04.01.2017, to be effective from 01.10.2016. It has been submitted that various due payments have been processed subsequently and paid to the applicant and, therefore, there is no undue delay in payment of these dues which would necessitate payment of any interest, as sought by the applicant.

5. Heard Mr. C. N. Sreekumar (Sr. Advocate), Mr. Amit Sharma and Ms. Malvika B. Pillai, learned counsel for the applicant and Mr. Rohit Bhagat for Mr. Sourabh Chadda, learned counsel for the respondents, perused the pleadings and relied upon judgments.

6. The applicant having worked as Principal in a school under Government of NCT of Delhi sought voluntary retirement due to personal reasons vide her notice dated 28.04.2016. She had sought voluntary retirement w.e.f. 01.08.2016. This was subsequently followed by another

notice given by the applicant on 29.06.2016 seeking the voluntary retirement w.e.f. 01.10.2016. It is stated that the extension that the applicant has sought was on account of the latest CPC recommendations which were likely to be effective soon. The Competent Authority passed the order accepting the voluntary retirement on 04.01.2017 w.e.f. 01.10.2016. Submission of required necessary documents along with service book was done on 10.02.2017 and, thereafter, pension and other retirement dues were processed for payment. The respondents have provided details of various stages and processes that were followed during this period including fixation of Seventh CPC recommendation for staff on 03.02.2017, GPF amount transferred through ECS on 08.02.2017, submission of pension papers by the applicant on 10.02.2017, gratuity released through ECS on 01.07.2017, PPO issued on 18.07.2017 and leave encashment paid through ECS on 15.01.2018.

7. It has also been indicated by the respondents that this is a case of voluntary retirement and not a normal retirement on superannuation and different processes and approvals are involved in case of voluntary retirement. The delay in following these processes cannot

be considered as deliberate delay, for which payment of interest is applicable. The submissions made by the respondents for payments have not been opposed by the applicant and no rejoinder has been filed. The applicant had also relied upon the Hon'ble Apex Court judgment in **Dr. Uma Agrawal vs. State of U.P.** (1993) 3 SCC 438. The ruling therein pertains to retirement on superannuation.

8. It is also a fact that this is not a case of normal retirement on superannuation but a case of voluntary retirement which involves clearances and approvals. These processes obviously have inherent time frame. The delay in making payments as has been mentioned above is partly on account of the applicant as she had sought extension of her voluntary retirement and also in view of the fixation of pay scales in terms of 7<sup>th</sup> CPC recommendations. I do not consider that these delays are deliberate on part of the respondents alone for which interest @ 12% is due to be paid to the applicant.

9. In view of the above mentioned, I do not find any merit in the OA and the same is accordingly dismissed. There shall be no order as to costs.

**(Mohd. Jamshed)**  
**Member(A)**

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