

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2118/2003

New Delhi this the 28th day of August, 2003

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

Shri Sumat Prasad Jain
S/O Shri D.C.Jain,
R/O H.No.246, II Floor,
Greater Kailash-II,
New Delhi.

..Applicant

(By Advocate Shri Shakeel Ahmed)

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1. Chief Secretary
Govt.of NCT of Delhi,
Delhi Govt.Secretariat,,
Players Building, Indraprastha
Estate, Delhi.
2. Divisional Commissioner,
Govt.of NCT of Delhi
5- Shamnath Marg, Delhi.
3. Lt.Governor,
Raj Niwas Marg, Delhi.

..Respondents

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J))

In this application the applicant has submitted that the order issued by respondent No.1 dated 1.4.2003 (Annexure A-1) has not been implemented fully so far as payments of retiral benefits are considered under the relevant rules.

2. It is seen from the aforesaid order issued by respondent No.1 dated 1.4.2003 that the applicant has retired from service w.e.f. 31.10.1996 while under continued suspension, on attaining the age of superannuation and during the pendency of trial in the

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criminal Court. It is further noted that the trial Court of Shri R.K. Guaba, Special Judge, Delhi acquitted the applicant of the offences charged against him by judgement dated 1.8.2002, against which no appeal has been filed by the CBI. Accordingly, the competent authority had ordered that the period of suspension of the applicant, the then Assistant Collector Grade-I and now retired from 11.7.1995 (AN) to 31.10.1996 be treated as period spent on duty for all purposes including pay, pension, gratuity etc. under the provisions of FR 54 (B).

3. Subsequent to the aforesaid order issued by the respondents, according to the learned counsel for the applicant, the applicant had made a representation to the respondents on 20.8.2002 for payment of his retirement dues which are due to him under the rules, including gratuity, leave encashment and commutation of pension etc. as enumerated in Para 6. He has submitted that these payments have yet not been released to the applicant inspite of the aforesaid order and the judgement of the competent criminal Court dated 1.8.2002 acquitting him, against which no appeal has been filed.

4. In the present OA the main reliefs sought by the applicant are that respondents should be directed immediately to pay him the retiral benefits/ other claims as enumerated in Para 6 with interest at the

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rate of 18% per annum on the delayed amounts from the date when they were due till the date of actual payment. He has also prayed for costs in filing the OA.

5. Taking note of the order issued by the respondents themselves dated 1.4.2003, particularly paragraph 4, there is no reason why the applicant has not been paid all the amounts which are due to him in accordance with Rules till date, as submitted by the learned counsel. More than four months have elapsed since the order dated 1.4.2003 has been issued by the respondents, regularising the applicant's period of suspension from 11.7.1995 till the date of his retirement on 31.10.1996. As such they have had ample time to deal with the retiral benefits due to the applicant in accordance with law, rules and instructions which apparently has not been done by them so far.

6. In the above facts and circumstances of the case and in the interest of justice as the respondents themselves have issued the order dated 1.4.2003 bringing out the relevant facts, it is not considered necessary to issue notices to the respondents. They should have taken further necessary action for payment of retiral benefits to the applicant who had retired from service in October, 1996 and has also been

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acquitted by the competent Criminal Court on 1.8.2002. Accordingly, the OA is disposed of with the following directions:-

Respondent No.1 is directed to pass further appropriate orders in pursuance of the order dated 1.4.2003 regarding payment of retiral benefits due to the applicant as early as possible and, in any, case within a period of one month from the date of receipt of a copy of this order in accordance with law, rules and instructions;

(ii) As there appears to be inordinate delay in passing the orders with regard to retiral benefits due to the applicant, the applicant shall also be entitled to interest on the retiral benefits from the due date till the date of actual payment in accordance with law and rules;

(iii) The above payments shall be arranged to be paid to the applicant within a period of one month from the date of receipt of a copy of this order, failing which for any subsequent delay, the respondents shall pay interest at the rate of 10% simple interest per annum till the date of actual payment. No costs.



(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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