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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 2787/2003

New Delhi, this the 18th day of November, 2003

Hon'ble Sh. Sarweshwar Jha, Member (A)

Sh. B.P. Kaushik  
B-7/27-28, Ground Floor  
Sector-11, Rohini  
Delhi - 110 085.

...Applicant

(By Advocate Sh. O.P. Gehlot)

V E R S U S

1. The Lt. Governor of NCT of Delhi  
Lt. Governor's House, Raj Niwas Marg  
Delhi.
2. Principal Secretary,  
Deptt. of Health and Family Welfare  
Govt. of NCT of Delhi  
Delhi Govt. Secretariat  
Indraprastha Estate  
New Delhi - 110 002.
3. Executive Officer  
A & U, Tibbia College & Allied Units  
Govt. of NCT of Delhi  
Karol Bagh, New Delhi - 110 005.

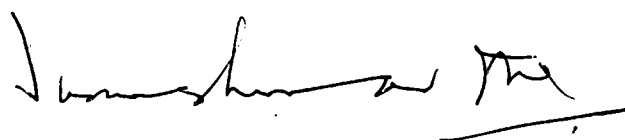
...Respondents

O R D E R (ORAL)

Shri Sarweshwar Jha,

Heard the learned counsel for the applicant who has prayed, vide this OA, for payment of his pension and retiral benefits including Gratuity, Leave Encashment, Provident Fund, Group Insurance etc. with 18 % interest thereon for delayed payment of these benefits.

2. Facts of the matter, briefly, are that the applicant retired from the respondents' organisation on 31-8-97. It was in the same year that the respondents adopted the Pension Scheme as is observed from the Notification issued by the Govt. of NCT of Delhi on 25-11-97. It should, therefore, have been incumbent upon the respondents to have allowed the retiral benefits to the applicant from the date he

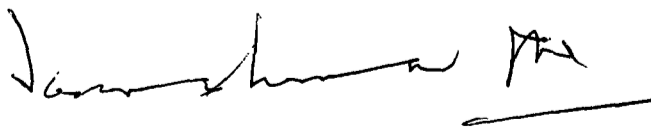


retired on superannuation.

3. It is, however, observed that the necessary formalities with regard to payment of pension in respect of the applicant were sought to be completed by the respondents on 18-3-99 (Annexure A-12). Obviously, the respondents initiated the matter regarding processing/finalising the pension etc. in respect of applicant much after he had retired on superannuation. The applicant had, however, furnished all the papers required for completing the formalities as is observed from the letters submitted by the applicant, which are placed at page 51, 52 & 53 of the OA. It is four years since the formalities were completed by the respondents as well as the applicant, but the retiral benefits have not been paid to the applicant so far.


4. It is observed that the Association, representing the applicant and other similarly placed persons (Tibbia College Staff Association), has taken up the matter with the Chief Minister, Govt. of NCT of Delhi vide their letter dated 5-8-2003. A Reference has also been made to the fact that the relevant amounts in respect of the different categories of employees of the said college have already been transferred to the Pension Fund of the Govt. of Delhi, as pointed out by the said Staff Association vide letter dated 25-7-2003 (Annexure A-16). Under these circumstances, there does not appear to be any reason as to why the respondents should not have been paid the retiral benefits to the applicant by now, rather earlier.

5. I have considered the facts and submissions as made in this OA and I am of the considered view



that appropriate course at this stage would be to direct the respondents to treat this OA as a representation of the applicant and to consider it along with the previous representations which the applicant has submitted in the matter with reference to the extant rules and instructions on the subject as also the decisions of the Hon'ble Courts in the matter of immediate payment of retiral benefits to the retired employees and to dispose of the matter by issuing a reasoned and speaking order as per law within a period of three months from the date of receipt of a copy of this order. The applicant shall have the liberty to approach this Tribunal in the event of his not being satisfied with the disposal of the matter by the respondents.

6. This OA accordingly stands disposed of in terms of the above directions.

  
(SARWESHWAR JHA)  
MEMBER (A)

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