

(2019) 07 CAT CK 0056

In the Central Administrative Tribunal

Case No : Original Application No. 2721 Of 2017

Dr. MPS Mahandroo

APPELLANT

Vs

Chief Secretary And Ors

RESPONDENT

Date of Decision : 25-07-2019

Acts Referred:

Citation : (2019) 07 CAT CK 0056

Hon'ble Judges : Nita Chowdhury, Member (A)

Bench : Single Bench

Advocate : Anish Chawla, NK Singh, Avnish Ahlawat

Final Decision : Dismissed

Judgement

1. The applicant has filed this OA, seeking the following reliefs:-

"i. Direct the Respondent(s) to pay interest at the rate of 12% on Rs.18,56298/- (retiral dues) from the date it became due, i.e., 31.12.2009 till May, 2015, and

ii. Direct the Respondent(s) to pay interest at the rate of 12% on the interest amount from May, 2015 till the date of its realization, and

iii Direct the Respondent(s) to pay the cost of the entire litigation be awarded to the applicant; and

(iv) Any other appropriate relief to which the applicant is found entitled to may also kindly be granted in his favour."

2. The facts, which are necessary for adjudication of the present OA, are that the applicant was working as Assistant Professor in Delhi College of Engineering (DCE). He retired on 31.12.2009. Just 9 days before his retirement, i.e., 22.12.2009, he was issued a charge sheet and because of the said charge-sheet his retiral dues could not be released. Subsequently, the respondents dropped the charges against the applicant and issued letter dated 23.10.2013 for release of pensionary benefits in respect of the applicant. Resultantly, the respondents

had released all the retiral dues of the applicant in May, 2015. The grievance of the applicant is that for no fault of his, his retiral dues have been released after a long delay of about 4 ½ years and as such, prayed for grant of interest on this delayed payment.

3. The respondents have raised a preliminary objection that the present OA is barred by limitation as they have released the retiral benefits to the applicant in May, 2015 and he filed the present OA after 27.07.2017, i.e., after two years two months without giving any reason for delay in approaching the Hon'ble Tribunal. We have noted that the applicant has already filed an MA No. 52/2019 for condonation of delay and the same was allowed on 08.03.2019 by the Tribunal on the submission of the learned counsel for the respondents that they have no objection if the same is allowed.

4. The respondents have been able to show from their reply that they had been issuing letters to the applicant for submission his pension papers and completion of formalities of "No Dues Certificate" etc. vide letters dated 23.12.2009, 29.12.2009, 17.02.2010 and 08.03.2010 and had also advised the applicant to complete the formalities for GPF final payment at the earliest otherwise he himself will be accountable for delay in settlement of the final payments. It is only on 18.04.2011 when the applicant had submitted his No Dues and immediately thereafter the respondents had issued a letter No.F.1/2-124/78/Estt.II/DTU./12724-25 dated 25.10.2011 to release the provisional pension to him as per rules and the other terminal benefits shall be paid on receiving the decision of the Competent Authority in the matter of departmental proceedings. Hence, there is no laxity on the part of the respondents in finalizing the pension papers. They have also been able to show that after dropping of the charge-sheet on 23.10.2016, they have sanctioned leave encashment vide order dated 24.10.2013 and have also sanctioned the pensionary benefits towards UTGIS vide order dated 03.05.2013 and GPF vide sanctioned bill dated 12.07.2012. Hence, the contentions of the respondents that they have dealt with the case of the applicant as per rules and expeditiously, are found to be correct.

5. In view of the above facts and circumstances, there is no merit in the OA and the same is dismissed. No order as to costs.