(2019) 07 CAT CK 0037

In the Central Administrative Tribunal

Case No : Original Application No. 3669 Of 2018

Rameshwar Das APPELLANT

Vs

Commissioner (North DMC) And Ors RESPONDENT

Date of Decision : 08-07-2019

Acts Referred:

Citation : (2019) 07 CAT CK 0037

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

Bench : Single Bench

Advocate : Vipul Kr. Upadhyay, JS Mann, Anupama Bansal

Final Decision : Disposed Off

Judgement

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

â??a) to direct the respondents to release remaining amount of retirement benefits etc. as per details furnished in ANNEXURE A-1.

b) to direct the respondents to grant interest @12% or as deemed fit in respect of all delayed payments of retirement benefits including pension as per

details furnished in ANNEXURE A-1.

c) Any other relief or direction which this Honâ??ble Tribunal deems fit and proper in view of the facts and circumstances of the case may be

granted/passed in favour of the applicant and against the respondents.

2. The applicant, through this OA, has mainly sought a direction to the respondents to release the remaining amount of retirement benefits etc. as per

details furnished in Annexure A-1.

3. The respondents, while contesting the OA, have filed their CA in which they have categorically stated that the department has already paid a sum

of Rs.28,19,243/- to the applicant and the demand of remaining amount as per the 7th CPC, i.e. difference of leave encashment (Rs.90,420/-) has

already been paid on 28.01.2019 by cheque no.930259 and orders regarding payment of retirement gratuity and CVP as per 7th CPC amounting to

Rs.8,01,650/- have been passed by the accounts department on 31.12.2018 and have been sent to Civic Centre MCD, HQ, as the said amount has to

be released by the HQ. However, the said amount has not been released on account of non-availability of funds from HQ.

4. The respondents have mainly contended that the NDMC does not have the financial resources to pay all dues of all employees at one time and in

view of the paucity of funds in the respondent â?" organization, they are paying employees as and when they have funds.

5. During the course of the arguments, it is noted that this very Bench of the Tribunal has decided a similar matter with regard to payment of full

pension and other pensionary benefits in OA No. 886/2018 on the basis of the submission made by EDMC that they have made a procedure/system

by which they are releasing the pensionary benefits to their employees. A similar plea is also taken by the counsel for the NDMC in this matter.

Hence, in view of the above stated position, we direct the respondents to strictly follow the procedure laid down by them for payment of pensionary

benefits to the applicant and release the same to this applicant also as and when they have funds.

6. With the above directions, the OA stands disposed of.

7. However, liberty is given to the applicant to approach the respondents by filing a fresh representation if he is not paid his retiral dues according to

the procedure laid down by the respondents and the respondents shall pass a speaking order on the same. No order as to costs.

