

(2022) 01 CAT CK 0034
In the Central Administrative Tribunal
Case No : Original Application No. 408 Of 2020

Vinubhai S. Vaghasiya

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 25-01-2022

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2022) 01 CAT CK 0034

Hon'ble Judges : Jayesh V. Bhairavia, Member (J); Dr. A.K. Dubey, Member (A)

Bench : Division Bench

Advocate : P.H. Pathak, H. D. Shukla, Joy Mathew

Final Decision : Dismissed

Judgement

Particulars, Amount, Paid by, Date

(i) GPF, "Rs. 6,77,864/-", DOT, 05.01.2009

(ii) CGEGIS, "Rs. 23,798/-", BSNL, 06.04.2009

(iii) Gratuity, "Rs. 10,00,000/-", DOT, 03-2021

(iv) CVP, "Rs. 6,95,608/-", DOT, 03-2021

(v) Arrears of Salary, "Rs. 42,21,966/-", BSNL, 22.07.2021

(vi) Leave Encashment, "Rs. 6,41,220/-", BSNL, 22.07.2021

7 Heard Learned Counsel for the parties at length and perused the material placed on record.,,,

8 In the present case it can be seen that undisputedly all the payments (i.e. Gratuity, CVP, Arrears of salary and leave encashment) have been duly",,,

made to the applicant by the respondent in the month of March/July 2021 as per the details stated herein above. However, as far as the claim of",,,

applicant for grant of interest on delayed payment is concerned, the same is not tenable. In this regard, it is noticed that while applicant was working",,,

as JTO in DOT, he came to BSNL on deemed deputation and due to his conviction in criminal case, he was dismissed from service vide order dated",,,

08.08.2005 and subsequently, on his acquittal vide judgment dated 06.03.2018 passed by Honâ??ble High Court in Criminal Appeal No.1296/2004, his",,,

penalty order of dismissal from service was set aside by the Competent Authority vide order dated 19.03.2019. In the meantime, applicant attained the",,,

age of superannuation and since his absorption in BSNL was not finalized till his retirement, the pensionary benefits could not be finalized as per",,,

BSNL pay scale. The BSNL approached the DOT and finally on 18.02.2021 a presidential order came to be issued absorbing the applicant in BSNL",,,

w.e.f. 01.10.2000. Accordingly, the BSNL prepared the pension papers of the applicant and before its submission to DOT, the applicant submitted an",,,

application requesting that his pension may be finalized treating him retired from BSNL as SDE and not as JTO. Therefore, the BSNL again prepared",,,

his provisional struck off order and details were submitted for preparing final pension accordingly. Thereafter, since applicant was without pension, this",,,

Tribunal on 12.03.2021 directed the respondents to look into the entire claim of the applicant for the purpose of expeditiously releasing the pension and",,,

other retiral dues so as to enable the applicant to get his legitimate dues at the earliest. Accordingly, the BSNL by taking into consideration the",,,

presidential order dated 18.02.2021 whereby the applicant has been absorbed as JTO w.e.f. 01.10.2000 at the O/o GMTD, Valsad,",,

Gujarat, had submitted final retirement order and struck off order of the applicant as JTO sent to DOT on 05.03.2021 and thereafter all the retirement",,,

dues have been paid by the BSNL and the DOT to the applicant in the month of March 2021 and July 2021. At this stage it is apt to mention that the",,,

Presidential Order was issued only on 18.02.2021 and admittedly in the month of March 2021, the payment of gratuity and CVP has been made by the",,,

DoT and the arrears of salary amounting to Rs.42,21,966/- and leave encashment amounting to Rs.6,41,220/- has been paid by the BSNL in the month",,,

of July 2021 to the applicant and his month pension has been fixed and disbursed in time. Under the circumstances, taking note of the explanation of",,,

the respondents with respect to payment made to the applicant, we do not find

the claim for interest on delayed payment tenable. There cannot be",,,,
dispute with respect to ratio laid down in the judgments which are relied upon by
the counsel for the applicant, but the same is not applicable to the",,,,
facts of the present case.,,,

9 In view of above discussion we do not find any reason to issue any direction as
prayed for by the applicant in the present OA. Hence, OA stands",,,,
dismissed.,,,

At this stage liberty is granted to applicant to make a representation regarding
any legitimate payments left out to the respondents with details within,,,

30 days from receipt of copy of this order and on receipt of such representation,
respondents are directed to consider and decide the legitimacy of the",,,,

claim and pass necessary order within two months from the date of receipt of
such representation. No orders as to costs.,,,