

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.109/2020

Dated Friday, the 31st day of January, 2020

PRESENT

Hon'ble Mr.P.Madhavan, Judicial Member

&

Hon'ble Mr.T.Jacob, Administrative Member

V.Ranganathan, M/60 years,

S/o. Po. Varatharaju,

No. 11, Second Cross Street,

Aruthra Nagar, Puducherry 605009.

....Applicant

By Advocate M/s. M. Gnanasekar

Vs

1.Union of India,

rep by Chief Secretary to Government,

Government of Puducherry,

Gubert Avenue, Puducherry 605001.

2.The Under Secretary to Government (Education),

Chief Secretariat,

Government of Puducherry, Puducherry 605001.

3.The Director,

Director of School Education,

Perunthalaivar Kamarajar Education Complex,

Nellithope Post, Puducherry 605005.

4.The Superintendent of Police,

Vigilance and Anti Corruption,

SP Building, Puducherry HO,

Puducherry 605001.

....Respondents

By Advocate Mr. R. Syed Mustafa

(Order: Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

- "i. To call for the records relating to Order No. C.13012/12/2018-CVO dated 27.09.2019 passed by the 1st respondent and quash the same and consequently direct the respondents to settle all the retirement benefits with eligible interest and
- ii. pass such further orders as are necessary to meet the ends of justice,
- iii. Award costs and thus render justice."

2. The applicant joined as PGT in Kamban Government Higher Secondary School at Nettapakkam at Puducherry on 05.08.1988. When he came to know that his date of birth was incorrectly entered in his service book as 17.08.1958 instead of 18.09.1959, he made representations on 21.08.1989, 11.04.1991 & 11.01.1995 to the competent authority for correction. Thereafter, he was posted to various places and he was under the impression that his representations for correction of date of birth would have been considered positively. But to his shock, it was not done and hence he made representations dated 11.10.2017 & 06.12.2017 which was rejected by the respondents by order dated 03.11.2017. The applicant challenged the said order before this Tribunal in OA 255/2018 which was dismissed by this Tribunal on 02.08.2018. Against the order of this Tribunal, the applicant filed WP No.21325/2018 and the Hon'ble High court on 24.08.2018 allowed the writ petition. In the meanwhile on 23.08.2018, the respondents published a notification stating that the applicant is admitted into retirement w.e.f the afternoon of 31.08.2018. Against the order of the Hon'ble High court, the respondents preferred Civil Appeal No.9426 of 2019 wherein the Hon'ble Supreme Court granted interim stay on 08.05.2019 but even before the interim stay was granted, the 2nd respondent by G.O.Ms.No.38 dated

29.09.2018 rescinded the earlier order dated 23.08.2018 subject to the outcome of the C.A.No.9426/2019 and thereafter the applicant was allowed to continue in service till 27.09.2019. On 27.09.2019, the 3rd respondent gave a complaint to the 4th respondent and the 4th respondent filed a FIR in Crime No.1 of 2019 on the same day and the 1st respondent suspended the applicant contrary to the order passed by the Hon'ble High court and the Hon'ble Chief Minister of Puducherry. The 1st respondent seems to have approached the Lt. Governor of Puducherry and obtained orders for placing the applicant under suspension by suppressing the fact that the file had gone to the Hon'ble Chief Minister and he was directed to be allowed to go on retirement. Hence this OA.

3. When the matter came up for hearing, learned counsel for the applicant would submit that even though the applicant was suspended by the competent authority, he has not been granted subsistence allowance which is against rules and regulations.

4. Mr.R.Syed Mustafa, learned counsel for the respondents submits that the applicant has not exhausted the remedy and he has not given any representation to the competent authority for subsistence allowance. If the applicant makes representation for subsistence allowance, the competent authority will consider the same.

5. In view of the above submissions and without going into the merits of the case, the OA is disposed of in the following lines:

"The applicant is directed to file a comprehensive representation to the competent authority within one week from today and the competent authority is directed to consider the same on the basis of the relevant rules and regulations and

pass a reasoned and speaking order, within a period of two months from the date of receipt of such representation. ”

**(T.JACOB)
MEMBER (A)**

31.01.2020

**(P.MADHAVAN)
MEMBER (J)**

M.T.