



**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

28/02/2020

O.A./260/717/2015

P K BISWAL

-V/S-

D/O POST

ITEM NO:19

FOR APPLICANTS(S) Adv. : Mr.H.K.Mohanty

FOR RESPONDENTS(S) Adv.: Mr.B.Swain

Notes of The Registry	Order of The Tribunal
	<p>Both the learned counsels are present.</p> <p>2. Heard learned counsel for the applicant. He submitted that the applicant had retired from the Department of Posts on 31.1.2014. He has filed this OA being aggrieved by the order dated 30.6.2015 (Annexure-5 of the OA) by which, the respondent No.3 has rejected the applicant's representation for release of his retirement benefits on the ground that although the disciplinary proceeding initiated against the applicant including the charges framed against the applicant was quashed by the Tribunal in OA No. 162/2007 vide the order dated 18.5.2010 (Annexure-1 of the OA), the respondents have challenged the order dated 18.5.2010 in the Writ Petition WP(C) No. 18058/2010 which is pending before Hon'ble High Court. It is further submitted that the Tribunal had quashed the charges mainly on the ground that in the criminal case instituted by the CBI against the applicant for self-same charges, the applicant was acquitted by the Criminal Court. It was further submitted that in the meantime, Hon'ble High Court vide order dated 21.11.2019 has dismissed the Writ Petition and he filed a copy of the said order, which was taken on record.</p>

3. Learned counsel for the respondents was heard. He submitted that the retirement dues of the applicant could not be released due to pendency of the WP(C) No. 18058/2010 as stated in the impugned order dated 30.6.2015 of the respondent No.3. He also agreed with the submission that the aforesaid WP has been dismissed.
4. With regard to the above submissions, it is seen that the only ground taken by the respondents in the impugned order dated 30.6.2015 (Annexure-5 of the OA) as well as in the counter to justify withholding of the retirement benefits of the applicant, is the pendency of the WP(C) No. 18058/2010. Since the said writ petition has already been dismissed vide order dated 21.11.2019 of Hon'ble High court, there is no justification for withholding the retirement dues of the applicant any longer.
5. In the circumstances, the respondents are directed to release the retirement benefits including gratuity as per the rules, if not released already, within a period of six weeks from the date of receipt of a copy of this order.
6. Regarding the claim of interest, it is seen that although there was no order of Hon'ble High Court staying the operation of the Tribunal's order dated 18.5.2010 (as stated in the order dated 21.11.2019 of Hon'ble High Court), the respondents should not have withheld the gratuity since the disciplinary proceeding was already quashed as on the applicant's date of retirement on 31.1.2014, there was no other disciplinary proceeding pending against him. Hence, the applicant is entitled for payment of interest on the gratuity amount withheld in accordance with the provisions of the CCS (Pension) Rules, 1972 for the period from 1.2.2014 till the date of actual payment of gratuity to the applicant. The interest amount payable to the applicant as above is to be paid to him within six weeks from the date of receipt of a copy of this order.

7. The OA is allowed accordingly. No order as to costs.

(GOKUL CHANDRA PATI)
MEMBER (A)

I.Nath

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