



CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

O.A. No.063/00111/2020

Chandigarh, this the 05th February, 2020

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

Raghbir Singh Pathania, age 64 years, S/o Late Sh. Kirpa Ram, retired UDC, Army No. 8886453, R/o Village Manodu, P.O. Bhaduuar, Tehsil Nurpur District Kangra (H.P.) (Group C) - 176200

....Applicant

(BY: MR. Barjesh Mittal, Advocate)

Versus

1. Union of India through its Secretary, Ministry of Defence, South Block, New Delhi- 100111.
2. The Director General of Supplied & Transport, Quarter Master General's Branch, Integrated HQS of Ministry of Defence (Army) DHQ PO New Delhi – 110105.
3. Officer-In-charge, Office of the Records (South) Bangalore – 900493, C/o 56 APO.
4. Commanding Officer, 5471 ASC Bn (MT) – 905471 c/o 56 APO.
5. Principal Controller of Defence Accounts (Pension), Draupadi Ghat, Allahabad – 211014.

... .Respondents

O R D E R(Oral)

SANJEEV KAUSHIK, MEMBER (J):

1. This O.A. has been filed by the applicant seeking issuance of a direction to the respondents to release the withheld amount of gratuity and commutation of pension.
2. Heard.



3. Learned counsel submitted that the gratuity of the applicant was withheld due to pendency of a criminal case against him at the time of retirement. He argued that despite the fact that the applicant has been honourably acquitted in Criminal case (No. 104/2012) vide judgment dated 09.08.2019 by the ADJM, Pathankot, the respondents have not released the withheld amount till date. It is also argued that the applicant is also entitled to interest on this amount under Rule 68 of CCS (Pension) Rules, 1972, therefore, the respondents be directed to release the withheld amount of gratuity along with interest in accordance with the Rules.

4. Considering the fact the applicant has been acquitted in the criminal case and the representation is pending consideration, therefore, I dispose of the O.A. in limine, with a direction to the respondents to release the admissible amount, if there is no other legal impediment, within a period of one month from the date of receipt of a copy of this order, and to consider the claim of the applicant for award of interest on this amount in accordance with the relevant rules on the subject. No costs.

**(Sanjeev Kaushik)
Member (J)**

Place: Chandigarh
Dated: 05.02.2020

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