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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

R.A. NO. 32/2002

IN

O.A. NO. 1107/2001

New Delhi, This day 06-02-2002
HON'BLE GOVINDAN S. TAMPI, MEMBER (A)

K.K. Datta,
C/o Sh. S L Mehta,
69 Bharti Nagar,
Delhi -110052

.....Applicant/Review

(By KBS Rajan, Advocate)

VERSUS

Union of India,
through the Secretary,
Deptt. of Company Affairs,
5th Floor, Shastri Bhawan,
New Delhi.

.....Respondent

ORDER (IN CIRCULATION)

R.A. No. 32/2002 has been filed by the applicant, seeking recall and review of Tribunal's order dated 14.12.2001 in OA No. 1107/2001.

2. I have considered the matter. OA No. 1107/2001, has been filed seeking among others, setting aside the directions of the respondents rejecting the notice for voluntary retirement given under FR 56(k) by the applicant and initiating proceedings against him, for unauthorised absence, for being away from duty, after the completion of the notice period while allowing the OA to a substantial extent. I had held that the applicant stood retired on 2.9.2000 when the notice period expired and that proceedings initiated for unauthorised absence for staying away from duty were incorrect. The order did not

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interfere with the initiation of disciplinary proceedings for the applicant's alleged involvement in certain criminal acts.

3. In the review application the applicant alleges that the Tribunal had given a "liver" to the respondents to proceed against the applicant in respect of an earlier charge sheet, in accordance with law. The expression 'lever' was clearly available, as the Tribunal had only permitted to proceed in accordance with them. The said expression therefore calls for disapproval.

4. The Review applicant states that as the three of the impugned orders have been set aside, the Tribunal should have granted specific reliefs, permitting payment of pension, gratuity and also interest and not granting the same, amounted to error apparent as the face of the record. This is not correct. When the impugned orders are quashed and set aside, consequential reliefs in accordance with law follows and the same need not be specifically spelt out. However as the applicant has made a specific plea in this regard, I have to consider the same, also in view of the fact that further disciplinary proceedings have been initiated against the applicant and the same have not been set aside or stayed. The applicant would therefore be entitled for provisional pension, as provided for in the circumstances. Release of the gratuity and other retiral benefits would be subject to rules and instructions in this regard Grant of interest on the delayed payment of dues would be for the respondents to decide after the disciplinary proceedings are completed.

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5. In the above, while reviewing the earlier order, I direct the respondents to grant to the applicant, provisional pension within two months from the date of receipt of the order. Payment of other retiral benefits and interest is for the respondent to consider, at the appropriate time, in accordance with law. R.A. is accordingly disposed of.

(Govindan S. Tampi)
Member (A)

Patwal/