

Central Administrative Tribunal, Principal Bench

Original Application No.1713 of 2001

New Delhi, this the 4th day of December, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S. A. T. Rizvi, Member (A)

Shri Moti Lal Shakya (Retd)
C/o Shri S. P. Vatha
K-10, Fine Home Society
Mayur Vihar-I
Delhi-91

- Applicant

(By Advocate: Shri G. S. Lobana)

Versus

1. Union of India, through:
Secretary
Department of Posts
Dak Bhawan, Sansad Marg
New Delhi-1
2. Post Master General
Agra Region, Agra (UP)
3. Superintendent of Post Offices,
Etah Postal Division
Etah (UP)
4. Chairman,
Union Public Service Commission,
New Delhi

- Respondents

(By Advocate: Shri N. S. Mehta)

O R D E R (ORAL)

By Hon'ble Mr. S. A. T. Rizvi, Member (A)

On a charge of fraud, the applicant who was a Sub-Post Master, was placed under suspension on 3.10.89. During the pendency of the departmental trial, he superannuated on 31.1.91 and the proceedings were continued in accordance with Rule 9 of CCS (Pension) Rules, 1972. By an order passed on 16.4.98, the respondent authority withheld the full pension of the applicant, permanently. The matter was agitated before this Tribunal in OA No. 1171/98. By an order passed on 28.6.99, the aforesaid order of penalty was quashed and set aside. Liberty was, however, given to the respondent

authority to take further steps in the matter by giving an opportunity of showing cause to the applicant against the proposed action. In pursuance of the aforesaid direction of this Tribunal, the President considered the matter further alongwith the records of the case and came to the tentative conclusion that the misconduct proved was grave enough and warranted action under Rule 9 of CCS (Pension) Rules, 1972. The applicant was given a show cause notice dated 13.12.99. He submitted representations in the matter on 15.2.2000 and on 22.2.2000. The entire matter has been gone into thereafter in consultation with the UPSC and by an order passed on 19.2.2001 which is the impugned order, the President has imposed the penalty of withholding the full monthly pension otherwise admissible to the applicant.

2. When the present OA came up for hearing on 17.7.2001, a detailed order was passed by taking into account various pleas taken by the applicant and ultimately notices were directed to be issued on the limited relief of grant of full pension for the period from 1.4.93 to 18.2.2001. Before passing the aforesaid order, the Tribunal had held that the order dated 19.2.2001 (Annexure A-1) could apply only prospectively.

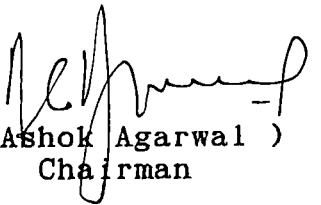
3. We have heard the learned counsel on either side and find that in the facts and circumstances of the present case and particularly keeping in view the findings already arrived at by this Tribunal on 17.7.2001, the impugned order will have to survive. The

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present OA is to this extent dismissed. However having regard to the limited relief in respect of which notices have been issued, the same can be granted thereby enabling the applicant to collect arrears of pension in respect of the aforesaid period. Accordingly, we direct the respondents to make payments of pension in respect of the aforesaid period within a period of three months from the date of receipt of a copy of this order. In the event of the respondents' failure to pay the aforesaid amount of arrears within the aforesaid period of three months, the applicant will become entitled to interest on the aforesaid amount calculated at the rate of 10%.



(S.A.T. Rizvi)
Member(A)



(Ashok Agarwal)
Chairman

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