

Central Administrative Tribunal  
Principal Bench

12

O.A. No. 2292 of 1999

New Delhi, dated this the 10th January, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Dr. D.P. Singh,  
Ex-Director,  
Central Research Institute for Jute &  
Allied Fibres (CRIJAF),  
R/o House No. A-294,  
Chatterpur Enclave Phase I,  
New Delhi-110068. .. Applicant

(By Advocate: Dr. K.S. Chouhan)

Versus

1. The Union of India through  
the Secretary,  
Ministry of Agriculture,  
Government of India,  
New Delhi.
2. The Secretary,  
Indian Council of Agriculture Research,  
Krishi Bhawan,  
New Delhi-110001. .. Respondents

(None appeared)

ORDER (Oral)

S.R. ADIGE, VC (A)

Applicant who superannuated on 31.5.1998  
seeks a direction to respondents to release his  
retiral benefits without further delay.

2. We have heard applicnat's counsel  
Dr.K.S.Chouhan. Departmental Representative who was  
present in the Court in the first call stated that  
respondents' counsel was busy elsewhere and would be  
available on the second call, but when the case was  
taken up for hearing on the second call, neither was  
Departmental Representative nor the Respondents'  
counsel <sup>WPA</sup> present.

(13)

3. A perusal of respondents' reply makes it clear that respondents have denied applicant release of his retiral benefits on the ground that there are complaints pending against him which came to the notice of the authorities at a stage after vigilance clearance had <sup>been issued</sup> on 28.5.98.

4. It is not denied that provisional pension has been released to applicant.

5. The right of the President to withhold or withdraw pension in the case of employee who <sup>has</sup> retired on superannuation is contained in Rule 9 CCS (Pension) Rules. This Rule provides that pension or gratuity may be withheld in full or in part if in any Departmental/or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement.

6. Rule 9(6) of the aforesaid Rules lays down that for the purpose of this rule, departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner, or if the Govt. servant has been placed under suspension, from an earlier date, on such date; <sup>while</sup> judicial proceedings shall be deemed to be instituted in the case of criminal proceedings, on the date on which the complaint or report of a police officer, of which the

Magistrate takes cognizance, is made, and in the case of civil proceedings, on the date the plaint is presented in the court.

7. Respondents are directed to examine applicant's prayer for release of his retiral benefits in the light of Rule 9 CCS (Pension) Rules and other rules and instructions on the subject and pass a detailed and speaking order within three months from the date of receipt of a copy of this order.

8. If in the light of the aforesaid Rules and instructions, respondents are not entitled to withhold applicant's pension lying with them, they shall release to applicant his rightful retiral due immediately.

9. The O.A. is disposed of in terms of Paras 7 and 8 above. No costs.

10. Later, well after the aforesaid order was dictated in the open court, respondents' counsel Shri N.S. Dalal appeared.

(Dr. A. Vedavalli)  
Member (J)

(S.R. Adige)  
Vice Chairman (A)

'gk'