

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA 892/1999

New Delhi this the 10th day of July, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Sh. Om Prakash Babbar  
S/O Late Sh. K. C. Babbar,  
R/O 899/28, Sector,  
Faridabad.

Retired Lecturer PGT (Pol. Sc.)  
Govt. Bous Higher Secondary School,  
(New Govt. Sarvodaya School)  
Ashok Nagar, New Delhi-27

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.. Applicant

(By Advocate Shri R. V. Sinha)

Versus

1. N.C.T. of Delhi  
Deptt. of Education,  
Sham Nath Marg, Delhi  
through the Secretary.

2. Director of Education,  
NCT of Delhi, Old Sectt.,  
Delhi.

3. Deputy Director of Education,  
District West, NCT of Delhi,  
New Moti Nagar, New Delhi.

4. Principal  
Govt. Bous Hr. Secondary School  
(New Govt. Sarvodaya School),  
Ashok Nagar, New Delhi-27

.. Respondents

(By Advocate Shri Rajan Sharma, learned  
counsel through proxy counsel Sh Ashwini  
Bhardwaj for R-4)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The main grievance of the applicant in this case is that even though he had retired on superannuation from service w.e.f. 31.10.1995, he has not received his pensionary dues, including gratuity, GPF etc.

2. Learned proxy counsel for the respondents, on behalf of Respondent 4, has submitted that prior to the retirement of the applicant from service he has been charge-sheeted in 1991, the particulars of which have

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neither been referred to in the reply nor given in the documents on record. He submits that this disciplinary proceeding is still pending, on the allegation that the applicant has been absconding from duty since 20.7.1987 till the date of his retirement. This has been denied by the learned counsel for the applicant who has submitted that according to the applicant, no such departmental proceeding is pending against the applicant because due to the time lapse the applicant had taken it that the proceedings have been dropped. However, it is noticed that neither of the parties have brought relevant records on the basis of which it can be stated that the departmental proceedings said to have been initiated against the applicant in 1991 have been concluded or still pending. However, Respondent 4 has stated that the departmental case against the applicant is still pending at page 3 of the reply. He has further stated that the applicant is not cooperating with the respondents in completing his disciplinary proceedings. This fact has also been denied by the applicant who has submitted that no notice has been received by the applicant in respect of the pending proceedings.

3. Shri R.V.Sinha, learned counsel for the applicant has drawn my attention to the interim order dated 22.12.1999 passed by the Tribunal. He has submitted that under the provisions of Rule 69 of the CCS (Pension) Rules, 1972 which are applicable to the present case, even if the disciplinary proceedings are pending against the applicant, the respondents

cannot deny him the payment of provisional pension. In the circumstances, he has prayed that the respondents may be directed to make payments of such retiral benefits as are admissible to him under the rules. (17)


4. In the facts and circumstances of the case, the OA is disposed of with the following directions:-

(i) The respondents are directed to take further action for completion of the disciplinary proceedings which they have <sup>are</sup> stated, still pending against the applicant, within six months from the date of receipt of a copy of this order;

(ii) In the meantime, the respondents shall continue to pay provisional pension and also any other retiral benefits as due to him in accordance with the rules, for which necessary documents shall be submitted by the applicant;

(iii) On completion of the disciplinary proceedings as mentioned above, the respondents shall pass appropriate orders in accordance with law with regard to his pensionary benefits, if admissible, within two months thereafter.

Parties to bear their own costs.

  
(Smt. Lakshmi Swaminathan )  
Member (J)

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