

Central Administrative Tribunal, Principal Bench

Original Application No. 594 of 1998

New Delhi, this the 10th day of October, 2000

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Shri A.K. Mittal
Executive Engineer (Retired),
R/o C-14, Maharana Pratap Enclave,
Near Rani Bagh, Pitampura,
New Delhi.

- Applicant

(By Advocate - Shri Jog Singh)

Versus

1. Union of India
Through Secretary,
Min. of Urban Affairs & Employment,
Nirman Bhawan,
New Delhi.
2. Director General of Works
C.P.W.D., Nirman Bhawan,
New Delhi.
3. Chief Engineer Vigilance,
C.P.W.D., Nirman Bhawan,
New Delhi.
4. Secretary,
Union Public Service Commission,
Dhaultpur House,
Shahjahan Road,
New Delhi.
5. Secretary,
Ministry of Finance,
North Block,
New Delhi.

- Respondents

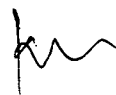
(By Advocate - Shri Madhav Panikar)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

In this OA, the applicant has prayed for the following reliefs:-

- i) quash the findings of the inquiry on whose basis impugned order passed;
- ii) to quash the impugned order dated 22nd Aug. 1997;
- iii) to direct the respondents to pay the 10% amount which they have cut



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in pension for year to applicant;

- iv) to direct the respondents to release the amount of 10% which is deducted by them in applicant's commuted pension;
- v) to direct the respondents to pay the amount of Rs.28,058/- which wrongfully recovered twice, owed by applicant as house building advance; and
- vi) to direct the respondents to pay the interest w.e.f. 1.1.97 on the entire amount including the amount which is already paid to the applicant as commuted pension."

2. We have heard Shri Jog Singh for the applicant and Shri Madhav Panikar for the respondents.

3. As regards the prayer regarding 10% deduction in commutation of pension, the respondents have made a categorical statement that no such deduction has been made nor there is any order of punishment effecting 10% cut in commutation of pension.

4. The other grievance of the applicant is that respondents have wrongfully recovered twice the amount of Rs.28,058/- owed by the applicant as house building advance. In reply to this, the respondents have stated in their reply that this amount of Rs.28,058/- was recovered from the applicant by mistake and the same has already been released to the applicant on 30.5.98.

5. Shri Panikar has drawn our attention to the punishment order at Annexure A-1, the operative portion of which shows that the President after

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considering the records of the case, had come to the conclusion that Shri A.K.Mittal, E.E. (Retd.) was guilty of grave misconduct and negligence and because of his negligent act, the Govt. had to suffer a loss of Rs.8,277/-. After considering the misconduct on the part of applicant herein, the President was of the view that "it would meet the ends of justice if the penalty of 10% cut in pension is imposed upon him for a period of one year." As far as this penalty order for imposing 10% cut in applicant's pension is concerned, Shri Jog Singh has fairly stated that he does not challenge the same and he is more concerned about the deduction in his gratuity amount. Shri Panikar states that no amount of gratuity has been withheld by the respondents.

6. Counsel for applicant Shri Jog Singh submitted that he would be satisfied if the respondents are directed that they will look into the claim of the applicant and if any amount out of gratuity is found to have been withheld, they will release the same to the applicant. We are of the view that this prayer of Shri Jog Singh is quite reasonable.

7. We, therefore, dispose of this OA with a direction to respondents that they shall go through their records and if they come to the conclusion that any amount which was payable to the applicant had been wrongly withheld by them, they shall release the same to the applicant within two months from the date of receipt of a copy of this order. As regards the

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impugned order of punishment imposing 10% cut in pension is concerned, for that no interference is called for. O.A. is disposed of accordingly. No costs.


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


(Kuldip Singh)
Member (J)

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