

Central Administrative Tribunal, Principal Bench

Original Application No.629 of 1996

New Delhi, this the 6th day of July, 2000

Hon'ble Mr. Justice Ashok Agarwal Chairman
Hon'ble Mr. V.K. Majotra, Member (Admnv)

MES No.302744 K.L.Gulati, Supr B/S Gd. I of
Chief Engineer Delhi Zone, Delhi Cantt -
G.E.E.P., Suratgarh. R/o 1327, Sector 4, - Applicant
R.K.Puram, New Delhi.110022.

(Applicant in person)

Versus

1. Union of India through Secy. Ministry of
Defence, South Block DHQ PO New
Delhi-110011.
2. Army Head Quarter, Engineer-in-Chief
Branch, Kashmir House, DHQ PO, New
Delhi-110011.
3. Chief Engineer Western Command,
Chandimandir-134107.
4. Chief Engineer, Delhi Zone, Delhi
Cantt-110010.
5. Chief Controller of Defence Accounts
(Pensions) Allahabad.
6. Chief Engineer Bathinda Zone, Bathinda
Cantt.
7. Garrison Engineer, Engineer Park,
Suratgarh Cantt-335804. - Respondents

(By Advocate Shri K.R.Sachdeva)

O R D E R (Oral)

By Justice Ashok Agarwal, Chairman.-

By the present O.A. the applicant seeks to impugn the provisional pension payment order issued on 27th September, 1995 and 1st November, 1995 annexed with the OA at pages 10 & 12 respectively.

2. In pursuance of disciplinary proceedings conducted against the applicant a penalty of removal from service was issued against ^{him} the applicant on 24th August, 1987. The applicant carried the matter in appeal and by an order passed on 16th December, 1994 the applicant was imposed a penalty of compulsory

retirement. Aforesaid order of the appellate authority was impugned by the applicant by instituting in this Tribunal OA No.748 of 1995. By an order passed on 4th January,1999 aforesaid OA was dismissed and the order of compulsory retirement was maintained. Aforesaid order of this Tribunal has been carried by the applicant to the Delhi High Court by filing CW No.794 of 1999 and the same is pending.

3. In aforesaid OA No.748/95 an interim order had been passed on 6th June, 1995 as follows:-

(i) The applicant shall be permitted to sign the necessary pension papers in the office of the respondent No.2 - Army Headquarters, Engineer-in-Chief Branch, New Delhi.

(ii) Respondent No.2 shall release the provisional pension as due under the Rules to the applicant within a period of 10 days from today, failing which the respondents shall pay an ad hoc amount of Rs.3000/- (Three thousand Rupees) to the applicant which shall be adjusted against the final pension and other amounts due to him as per rules;

(iii) Respondent No.2 is further directed to take necessary action towards payment of pension and other arrears due to the applicant as per rules within one month".

Based on aforesaid interim order the respondents have proceeded to issue aforesaid PPO dated 27th September,1995 and 1st October,1995 which are impugned in the present O.A.

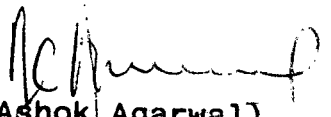
4. Aforesaid PPOs it is clear have been issued in pursuance of aforesaid interim order passed in OA 748/95. The said OA now stands dismissed. The correctness of the decision of the Tribunal in aforesaid OA 748/95 is pending consideration of Delhi High Court in CW No.794/1999. No interim orders have been issued by the High Court in respect of claim of pension of the

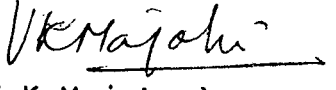
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applicant. In our view the claim of the applicant for pension would be governed by orders to be passed in the High Court in aforesaid CW No.794/99. No directions are, therefore, required to be issued in the present O.A. The same is accordingly disposed of with no order as to costs.

Order dasti.


(Ashok Agarwal)
Chairman


(V.K. Majotra)
Member (Admnv)

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