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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.1041/96

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 23rd day of February, 2000

M.I.Ansari
S/o Late Shri Chand Khan
r/o 6849, Ahata Kidara
Bara Hindu Rao
Delhi - 110 006.
O/o the Commissioner of Sales Tax
Bikri Kar Bhawan
New Delhi. ... Applicant

(None)

Vs.

1. Commissioner Sales Tax, Delhi
O/o The Commissioner of Sales Tax
Bikri Kar Bhawan
New Delhi.
2. Govt. of National Capital Territory of Delhi
through Chief Secretary
Old Secretariate
Sham Nath Marg
Delhi - 110 054. ... Respondents

(None)

O R D E R (Oral)

By R.K.Ahooja, Member(A)

None appears for the parties even on the second call. Since this matter pertains to 1996 the same is being disposed of in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. The facts as appear from the pleadings are that the criminal proceedings were instituted against the applicant on the allegation that he had caused heavy loss to the Government revenue by connivance with one M/s Vandana Enterprises. The applicant states that even though he was placed under suspension he was not served with a charge sheet. However the

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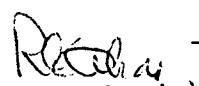
respondents have not released his terminal benefits after he had attained the age of retirement as Assistant. Sales Tax Officer on 31.12.1992 apart from the GPF fund.

3. The respondents have stated in their reply that as the criminal case against the applicant is pending, they had released the provisional pension in favour of the applicant.

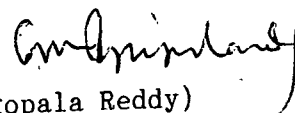
4. We find no merit in the OA. Under Rule 9 of the Central Civil Services (Pension) Rules, 1972 the pension and gratuity of the applicant can be withheld. Under sub rule 4 of Rule 9 denotes that in the case of Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub rule (2), a provisional pension as provided in [Rule 69] shall be sanctioned.

5. In the case of the applicant a criminal trial under Section 197 of Criminal Procedure Code is pending. Therefore, the respondents are entitled to withhold the payment of gratuity and full pension, etc till the judicial proceedings are concluded.

6. In view of the aforesaid position, the OA is devoid of merit and it is accordingly dismissed.
No costs.


(R.K. Ahooja)
Member(A)

/rao/


(V. Rajagopala Reddy)
Vice-Chairman(J)