

Central Administrative Tribunal
Principal Bench: New Delhi

CP 244/97 in
OA No.21/97

New Delhi, this the 09th day of Oct., 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri K.Muthukumar, Member (A)

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Ramesh Chander Sharma
s/o Shri Jagannath Prasad Sharma,
r/o 107, Srinagar, Shakurbasti,
Delhi.Petitioner

(By Advocate: Shri Shyam Babu)

Vs.

1. Ms. Satvir Silus
Director of Education,
(Directorate of Education),
Old Secretariat,
Delhi.
2. Mrs Mohindra,
Dy. Director of Education,
(District West), Karampura,
Moti Nagar,
New Delhi.
3. Shri O.P. Vijay,
(Now posted as)
Principal,
Govt. Boys Sr. Secondary School,
Katewada, Delhi. ...Respondents

(By Advocate: Shri Arun Bhardwaj through proxy
Shri Bhaskar Bhardwaj)

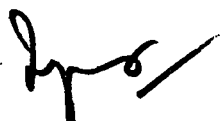
O R D E R (ORAL)
[Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)]

Our orders dated 21.5.1997 had directed the respondents to pay all the retiral benefits subject to any action that might be taken against the petitioner before the date of retirement. The respondents had filed the affidavit stating that they have given most of the retiral benefits but have not issued any order in this regard. Respondents' counsel undertakes to communicate the said order within two weeks from the date of this order.


It was stated by the counsel for the petitioner that the charge memo has been issued on the date of retirement and in accordance with the order the action should have been taken before the date of retirement. This is a question of interpretation. We find the charge memo has not been issued after the date of retirement and the petitioner is at liberty to agitate this issue and if he succeeds in his contention that the charge memo issued is contrary to our orders, he will be entitled to all the benefits arising out of the said order. As such this C.P. is not maintainable.

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The petitioner also submitted that he is also entitled to gratuity as well as bonus. Since the order passed in this regard is not available today and the said order is yet to be passed, respondents undertake to see that the bonus as well as gratuity is paid to the petitioner at the time when the order is passed and decision to this effect is communicated.


(K. Muthukumar)
Member (A)

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(Dr. Jose P. Verghese)
Vice-Chairman (J)