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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

R.A.No. 47/99

IN

O.A.No. 170/97 ²

New Delhi : this the /3 day of October, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Madan Gopal Goel,
S/o Late Shri Debi Ram,
Retd. Superintendent
from Directorate of Education,
Delhi (Grade-I, DASS Cadre),

R/o E-80, East of Kailash,

New Delhi -110065

....Review Applicant.

(By Advocate: Shri Vijay Pandita)

Versus

Govt. of NCT of Delhi,
through Lt. Governor of Delhi,
6, Raj Niwas Marg,
Delhi-110054 (Appellate Authority Head
of Delhi Police).

2. Chief Secretary,
Govt. of NCT of Delhi,
5, Sham Nath Marg,
Delhi-110054.
(Disciplinary Authority)

3. Director of Education of NCT
of Delhi,
Old Sectt. Delhi-110054.
(Head of Department)

4. Director of Vigilance,
Govt. of NCT of Delhi,
69, Old Sectt.
Delhi-110054
(Vigilance Authority of NCT of Delhi) ... Respondents

(By Advocate: Shri S.K. Gupta)

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Heard both sides on RA No. 47/99 seeking review
of the Tribunal's order dated 8.1.99 in OA No. 170/97.

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2. In the OA applicant had impugned his suspension on 28.10.94 and for payment of residual retiral benefits with interest @ 18% p.a. thereon and also for expeditious investigation of the case against him. A prayer had also been made to investigate/enquire into applicant's report dated 8.9.94 to the Head Office-cum-Drawing & Disbursing Office regarding certain discrepancies in the school's current account in SBI Madangir.

3. After hearing both parties that OA along with MA No.2392/97 was disposed of by us by order dated 8.1.99.

4. Shri Vijay Pandita contended during hearing on the RA that only MA No.2392/97 had been heard and not OA No.170/97. This was not denied by Shri S.K. Gupta.

5. Thereupon we asked Shri Vijay Pandita what grounds he was advancing which would warrant any change in the conclusions to our order dated 8.1.99 in OA No.170/97. He urged firstly that applicants' name did not feature in FIR bearing No.673/94 lodged in Ambedkar Nagar P.S. and as regards the other FIR bearing FIR No.5/95, the Dy. Commissioner in his letter dated 3.11.97 addressed to the Chief Secretary, Delhi, ~~it~~ had ~~been~~ stated that they were closing the case.

6. Under Rule 69(1)(a) CCS(Pension) Rules only provisional pension is admissible when departmental or judicial proceedings are pending and admittedly applicant is being paid provisional pension. It is settled law that the term 'judicial proceedings' includes a case under police investigation within the meaning

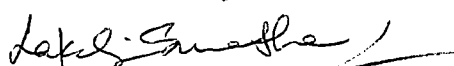
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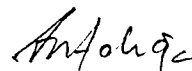
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of Rule 21 CCS(Pension) Rules, and till such as time as Final Form is submitted in regard to FIR No.5/95 it cannot be said that the criminal case arising out of that FIR is closed, and is therefore no longer pending.

7. In the light of the above, we see no reason to review our order dated 8.1.99 in OA No.170/97.

8. RA No.47/99 is dismissed.


(Mrs. Lakshmi Swaminathan)
Member (J)


(S.R. Adige)
Vice Chairman (A)

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