



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 1765/2020

This the 1st day of February, 2021

(Through Video Conferencing)

HON'BLE MR. PRADEEP KUMAR, MEMBER (A)

1. Sh. T.W. Sudhakar (retd.)
Group A
Age 63 Yrs,
Grade 1st Class
S/o Shri Barnabas
R/o Keeti Richmond Villas
Suncity, Villa 136 Bandlaguda Jagir
Hyderabad-500086
Mob: 9538053030 ... Applicant

(By Advocate:Harsh Panwar)

VERSUS

1. Union of India,
(through its Secretary)
Ministry of Tourism,
Transport Bhawan, Sansad Marg,
New Delhi-110001
2. Ministry of Personal, Public Grievance
& Pension (GOI)
Through its Secretary,
North Block Central
Secretariat, New Delhi-110001
3. Department of Pension & Pensioners Welfare
Through its Secretary (DOP&T)
Lok Nayak Bhawan, New Delhi
Delhi-110001 ... Respondents

(By Advocate: Sh. B L Wanchoo)

ORDER (ORAL)

The applicant was appointed as Assistant Director General in the Ministry of Tourism in the year 2005. He was deputed at Johannesburg, South Africa as Director for a period of three years vide order dated 17.10.2008. After his repatriation to India, a major penalty chargesheet was issued to him on 17.02.2015 alleging certain financial irregularities while he was working at Johannesburg. A total of seven charges were laid. Commissioner for departmental enquiry, who is a functionary under CVC, was appointed to conduct the enquiry. The said enquiry report has since been submitted to the competent authority on 28.11.2019. As per the conclusion, none of the charge has been proved.

Meanwhile, the applicant has superannuated on 31.10.2017.

Applicant has preferred the instant OA pleading that provisional pension has not been released to him. Prayer has also been made for release of certain other retiral dues. Applicant has also pleaded that he has not been issued the CGHS card, which is needed, his family being old now. The applicant has also submitted his



representation dated 26.10.2020 seeking provisional pension and CGHS card, which has not been replied to as yet.

The respondents have submitted their counter reply in which it is brought out that the applicant superannuated while he was working as Director, Tourism at Bangalore, who is the senior most officer in that office. Somehow, the gratuity and commutation of pension has since been paid, despite pendency of said chargesheet.

In respect of provisional pension, the respondents have pleaded that the same is under process at Regional Office, Bangalore from where the applicant has superannuated and its passage may take some time.

2. Matter has been heard at length. Sh. Harsh Panwar, learned counsel represented the applicant and Sh. B.L.Wanchoo, learned counsel represented the respondents.

3. As brought out, a major penalty charge sheet was pending against the applicant at the time he had superannuated. Even though, the enquiry report has since been submitted, yet the disciplinary proceeding has



not come to a close. Under such conditions, provisional pension is required to be paid. It is noted that respondents have already initiated action for the same.

4. In view of the foregoing, OA is disposed of with direction to the respondents to pass a reasoned and speaking order, on the pending representation dated 26.10.2020, in respect of provisional pension and CGHS card facility, within a period of six weeks of receipt of this order, under advice to the applicant. The applicant shall have liberty to approach the Tribunal, if some grievance in respect of these two items, still subsists.

**(Pradeep Kumar)
Member (A)**

Sunita/jk/sarita/pinky