



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Hearing by Video Conferencing

O.A. No.060/00680/2020

Chandigarh, this the 25th of September, 2020

**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. AJANTA DAYALAN, MEMBER (A)**

Sucha Ram son of Late Sh. Mehanga Ram, aged 60 years, Senior Assistant (Retd.) Group 'B', O/o Estate Officer, U.T. Chandigarh, resident of # R/o # 46 (Old) 548 (New) Kesho Ram Colony, Village Burail, U.T. Chandigarh- 160045.

....Applicant

(BY: Mr. J.R. Syal, Advocate)

Versus

1. Union of India through Secretary, Ministry of Home Affairs, North Block, New Delhi – 110001.
2. Union Territory, Chandigarh through Finance Secretary, U.T. Chandigarh, Deluxe Building, Sector 9, Chandigarh-160009.
3. Estate Officer, U.T. Chandigarh, Estate Office Building, Sector 17, Chandigarh – 160017.

... .Respondents

O R D E R(Oral)

SANJEEV KAUSHIK, MEMBER (J):

1. The present O.A. has been filed by the applicant seeking issuance of a direction to the respondents to release the withheld DCRG, pension and pensionary benefits after giving benefit of ACP due after 4, 9 and 14 years of service in the department, along with interest.
2. Heard.



3. Learned counsel for the applicant submitted that the applicant earlier approached this Tribunal by filing O.A. No. 060/01367/2018 which was dismissed vide order dated 16.10.2019. He argues that at that time a criminal case was pending against him and therefore, the respondents were well within their right to withhold the retiral benefit, as per Rule 2.2(c)(1) of Punjab Civil Services Rules. He further submits that since the applicant has been acquitted in the said criminal case vide judgment dated 19.12.2019 (Annexure A-10) by the Special Court Chandigarh, therefore, he becomes entitled to release of all withheld benefits. Applicant made a representation dated 02.03.2020 (Annexure A-12) to the respondents to release the withheld retiral benefits in view of his acquittal in the criminal case which, as per submissions of learned counsel, has not been decided till date.
4. Learned counsel makes a statement at the bar that the applicant will be satisfied if a direction is issued to the respondents to consider and decide the representation of the applicant for release of his retiral benefits within a time bound manner.
5. Considering the limited prayer made on behalf of the applicant, we deem it appropriate to dispose of the O.A., in limine, by directing the respondents to consider and



decide the indicated representation (Annexure A-12) of the applicant in view of his acquittal in the criminal case vide judgment dated 19.12.2019, by passing a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. Ordered accordingly. A copy of the order to be passed by the respondents shall be duly communicated to the applicant.

6. The disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case. No costs.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
Member (J)

Place: Chandigarh
Dated: 25.09.2020

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