

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 331/86
T.A. No.

198

DATE OF DECISION 1-7-1987

Shri L.N. Malhotra

Petitioner Applicant

Shri R.L. Setthi

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Shri M.L. Verma

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Birbal Nath, Administrative Member

The Hon'ble Mr. G.Sreedharan Nair, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether to be circulated to all the Benches ?

(G.Sreedharan Nair)
Member (J)
1-7-1987

(Birbal Nath)
Member (A)
1-7-1987

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.



DATE OF DECISION: 17.1987.

REGN. NO. O.A. 331/86.

Shri L.N. Malhotra ... Applicant

vs.

Union of India & Ors. ... Respondents.

CORAM:

Hon'ble Mr. Birbal Nath, Administrative Member.

Hon'ble Mr. G.Sreedharan Nair, Judicial Member

For the applicant: Shri R.L. Sethi, counsel.

For the respondents: Shri M.L. Verma, counsel.

JUDGMENT

(delivered by Mr. G.Sreedharan Nair).

This application filed by a pensioner, who retired on superannuation from Government service on 31.3.1983, seeks to finalise his pension and other pensionary benefits and to release all the amounts with interest.

2. The applicant retired from service on 31.3.1983.

However, it is seen that in view of the disciplinary proceedings under Rule 9 of the Central Civil Services (Pension) Rules, for short 'the Rules', he was granted only provisional pension by order dated 28.1.1984. ~~He~~

~~Thereafter that a charge-sheet was issued against him on~~

10.9.1984, but he was exonerated on 1.8.1985. It is alleged that on the basis of a First Information Report dated 4.9.1985, criminal proceedings have been initiated against the applicant on the same charges and on that basis, the pensionary benefits have been denied to him.

3. In the reply, it is admitted that the applicant had superannuated from service on 31.3.1983. It is also admitted that the departmental proceedings ended in the exoneration of the applicant. However, it is contended that on the basis of the report of the investigating agency, fresh charges have been framed against him for which he is facing trial in a court of law. As regards the final sanction of pension and its payment, it is contended that it is subject to future good conduct on the part of the pensioner in view of Rule 8 of the Rules.

4. The averment of the applicant that though he retired on superannuation on 31.3.1983, only provisional pension has been sanctioned, has not been controverted. No doubt, there is a provision in Rule 64 of the Rules for sanction of provisional pension. In the instant case, it is rather surprising to note that though the applicant was exonerated of the charges against him in the disciplinary proceedings as early as on 1.8.1985, final sanction of pension and pensionary benefits has not yet been made. Though reference is made in the reply to the initiation of criminal proceedings against him on the basis of the report of the investigating agency, there is no case in the reply that any order has been passed holding the applicant, *prima facie*, guilty of grave misconduct subsequent to his retirement so as to warrant the withholding of his pension.

There is only a passing reference to clause (a) of sub-rule (1) of Rule 8 of the Rules, wherein it is provided that future good conduct shall be an implied condition of every grant of pension and its continuance under these Rules. Merely by quoting the provision, the pension that is due to an employee who has rendered service for years and thereby has secured a valuable right, cannot be denied. We are satisfied that the denial of final sanction of payment and pensionary benefits to the applicant is not warranted on the materials on record and on the pleadings of the respondents.

5. In the result, we allow the application and direct the respondents to finalise the case of pension and pensionary benefits of the applicant and release the amounts due to him immediately, at any rate, not later than two months from the date of receipt of this order. The Registry shall send a copy of this order to the respondents on priority basis.

6. The application is allowed as above.

Sreedharan Nair
(G. Sreedharan Nair)
Member (J)
1-7-1987

Birbal Nath
(Birbal Nath)
Member (A)
1-7-1987