

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.NO. 2649/91

DATE OF DECISION: 20.01.1992.

(3)

SHRI MADAN LAL KUMAR

.....

APPLICANT

VERSUS

UNION OF INDIA

.....

RESPONDENTS

CORAM:-

THE HON'BLE MR. T.S. OBEROI, MEMBER(J)

COUNSEL FOR THE APPLICANT : S/SH. G.B. SINGH &
GURMEET SINGH

COUNSEL FOR THE RESPONDENTS : SH. P.P. KHURANA

(ORAL JUDGEMENT)

The only point involved in the present O.A. is a request for release of the retiral benefits, together with leave salary for the period of three months, for which the applicant was on leave, towards the fag-end of his voluntary retirement, sought for, from the respondents' office.

2. Counter has been filed on behalf of the respondents, wherein it has been admitted that under Rule 48 of the C.C.S. (Pension) Rules, 1972, retiral benefits cannot be withheld but the same has been resorted to in the present case, on account of a stay order by a Civil Court, in a Civil Suit, stated to have been filed, by applicant's wife in that court.

3. The learned counsel for the applicant pointed out that after coming into force of the Administrative Tribunals Act, 1985, Civil Court had no jurisdiction to grant the stay, as done in this case, as releasing, or withholding of the retiral benefits, is the subject-matter forming part of the service matters, under the

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jurisdiction of this Tribunal, and hence, the order of the Civil Court is without jurisdiction.

4. Considering the above position, we order release of the retiral benefits including leave salary for the period involved, if any, as early as possible, but not later than 30 days' from the date of receipt of a copy of this order, by the concerned respondent.

5. O.A. decided as above, without any orders as to costs.

Abey
(T.S. OBEROI)
MEMBER(J)
20.01.92

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