

Central Administrative Tribunal, Principal Bench, New Delhi

O.A.No.2490/2004

New Delhi, this the 12th day of July, 2005

Hon'ble Mr.Justice V.S. Aggarwal, Chairman  
Hon'ble Mr.S.A. Singh, Member(A)

Late Shri Tara Chand through  
Legal Representative Shri Narender Kumar,  
R/o H.No.B-87, Gali No.3,  
Harswaroop Colony, Fatehpur Beri,  
New Delhi-30

....Applicant

(By Advocate: Ms. Pragya)

Versus

1. Medical Superintendent,  
Safdarjung Hospital,  
New Delhi-29
2. Ministry of Health & F.W.,  
Nirman Bhawan, New Delhi

....Respondents

(By Advocate: Shri R.C. Gautam)

Order(Oral)

Justice V.S. Aggarwal, Chairman

The applicant Tara Chand had filed the present petition with the following reliefs:

- i) quash the charge-sheet vide Order No.6-13/99-Vig.  
dated 2<sup>nd</sup> July, 1999;
- ii) direct the Respondent No.1 to release all the pensionary benefits due to the Applicant including but not limited gratuity leave encashment and pension calculated on the basis of pay scale of Rs.5,375.00



being the basic pay along with interest accrued therein;

- iii) direct the Respondent No.1 to pay the Applicants compensation for victimization and harassment of such sum as this Hon'ble Court may deem appropriate in the facts and circumstances of the instant case; and
- iv) Pass such order or further orders as may be in the interests of justice in the facts and circumstances of the present case."

2. During the pendency of the O.A., Tara Chand had died and an application was filed for substituting his son and the daughter as legal heirs which has already been allowed by this Tribunal.

3. Learned counsel for the respondents very fairly conceded that the respondents are willing to pay pensionary and other retiral benefits to the applicant. It was not disputed that the applicant was drawing provisional pension and his pension shall now be calculated and arrears, if any, would be paid. It is also not disputed that the amount pertaining to gratuity, leave encashment etc. shall also be calculated and necessary decision shall be taken within four months from today.

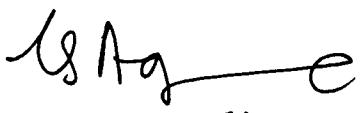
4. Keeping in view the fair concession, it is directed that respondent no.1 shall calculate the pension of the applicant in accordance with law and if any arrears are due, the same shall be paid within four months, as per Rules. Regarding gratuity, leave encashment and other retiral benefits, the amount shall be calculated and paid within the time

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specified above. If the arrears are not paid within four months, the applicant will have liberty to seek revival of the O.A.



( S.A. Singh )  
Member(A)



( V.S. Aggarwal )  
Chairman

/dkm/