

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. NO. 1606/2004

New Delhi, this the 10th day of February, 2005

**HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI S.A. SINGH, MEMBER (A)**

Sh. Raghunath
(Retd. S.I. No. 846/D),
S/o Sh. Hira Lal,
R/o B-27, Veena Enclave,
Nangloi, New Delhi.

...Applicant

(By Advocate: Shri L.C. Rajput)

-versus-

1. The Commissioner of Police(Delhi),
I.P. Estate,
New Delhi.
2. The D.C.P.,
I.G.I. Airport,
New Delhi.

...Respondents

(By Advocate:- Shri Ashwani Bhardwaj proxy for Sh. Ajesh Luthra)

ORDER (ORAL)

Justice V.S. Aggarwal, Chairman:

Applicant, by virtue of the present application, seeks a direction to the respondents to re-fix his pension after removing the effect of the punishment imposed upon him. He also prays that arrears should be directed to be paid and on the arrears, interest should be payable from 1.08.2001.

2. The applicant was a Sub Inspector and he superannuated on 31.7.2001. In the year 2000, a First Information Report had been registered against the applicant. The same had been cancelled on



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2.7.2002. Furthermore, it is not in dispute that a departmental enquiry had been initiated against the applicant and penalty was awarded on 30.7.2001. The penalty imposed was of forfeiture of one year's approved service permanently for a period of one year entailing proportionate reduction in his pay with immediate effect i.e. 30.07.2001. His departmental appeal had been dismissed on 13.09.2002.

3. The applicant contends that since he has superannuated and keeping in view the abovesaid facts, his claim had to be considered for grant of benefit of re-fixation of pay and consequential benefits in re-fixation of pension.

4. In the reply that has been filed, certain basic facts are not in dispute. Respondents contend that applicant was getting provisional pension under Rule 69 of CCS (Pension) Rules, 1972 after he superannuated. After the decision of the court, cancelling the FIR on 2.7.2002, full retiral benefits had been accorded to him taking the pay of the applicant as Rs. 6200/- per month.

5. To this extent, there is no dispute at either end.


6. Applicant's learned counsel contends that the applicant is entitled to restoration of his pay at Rs. 6725/- and accordingly he is to be paid even the pensionary benefits in this regard. Respondents plead that this matter is under consideration of the National Capital Territory of Delhi and clarifications are awaited.

7. It goes without saying that such matters necessarily have to receive due consideration and undue delay must be avoided. The applicant had superannuated on 31.07.2001. His full pension was

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restored taking his basic pay as Rs. 6200/- per month on 19.5.2003. After that, almost two years are about to expire but unfortunately, pertaining to the other claims, decision in this regard has not been taken.

8. At this stage, therefore, we dispose of the present Original Application directing the respondents to decide the claim of the applicant, to which we have referred to above, as to if he is entitled to restoration of his pay at Rs. 6725/-, within four months from today. Necessary benefits, pertaining to arrears and re-fixation of pension, should be granted to him, within the said period of four months. Keeping in view the delay, it is directed that, if arrears are due, the same should be paid with interest @ 6% per annum from 19.05.2003.


(S.A. Singh)
Member (A)

/dkm/


(V. S. Aggarwal)
Chairman