

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1709/2004

New Delhi this the 20th day of July, 2004

Hon'ble Shri Sarweshwar Jha, Member (A)

S.B.Sharma,
R/O 243, Subhash Chowk,
Bhadurgarh.

...Applicant

(By Advocate Shrigopal Aggarwal)

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Union of India through,

1. The Secretary,
Ministry of Information and
Broadcasting, Shastri Bhawan,
(A.Wing), New Delhi.
2. Director General,
Doordarshan, Mandi House,
New Delhi-110001
3. Under Secretary (Vigilance),
Govt. of India, Ministry of
Information and Broadcasting,
(A. Wing), Shastri Bhawan,
New Delhi.

..Respondents

O R D E R (ORAL)

Heard the learned counsel for the applicant who has submitted that release of increments for the years 1982, 1983, 1984 and 1985 was held up due to a departmental proceeding initiated against him, as a result whereof he has been paid only provisional pension and his gratuity has been withheld. Criminal Revision which has been filed against him in the Delhi High Court had already been dismissed by the Hon'ble High Court on 2.8.2000. But the respondents have not released the increments as also they have not fixed his pension despite his having retired 12 years ago. He has accordingly prayed that the increments, which were due in the said years, be released with interest @ 18 % per annum

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and also arrears of consequential benefits, (i.e., difference of actual pension and provisional pension) and gratuity together with interest @ 18% per annum to the date of final payment of the said amounts being paid to him.

2. The applicant had also submitted a representation to the respondents on 2.9.2000 to which he has received reply vide their letters copies of which are placed at pages 15-17 of the paper book. It is observed that the matter, which was initially under consideration in consultation with the UPSC and DP&FW, is presently under reference to the UPSC, and their decision is awaited. The respondents have been requested by the Directorate General (Doordarshan) to intimate them the decision/latest position in the matter at the earliest.

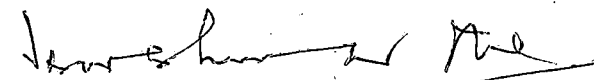
3. Learned counsel for the applicant has submitted that due to non-release of the said increments and subsequent non-revision in the pension and non-payment of consequential arrears of pension and gratuity, the family of the applicant has suffered very badly. In this connection, he has referred to the decision of the Hon'ble Gujrat High Court in Special Civil Application No.8990 of 2003 as passed on 15.7.2003 in which, among other things, it has been held that gratuity cannot be withheld on any account.

4. Having regard to the facts and circumstances of the case, and also having regard to the decision of the Hon'ble High Court in the matter and also that it is under consideration with the respondents, I am of the considered

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opinion that, as the matter has already remained pending with the respondents for over 12 years since the applicant has retired, during which period he suffered very badly and also that the criminal revision which had been filed against him has since been dismissed by the Hon'ble High Court, this OA is disposed of at the admission stage with a direction to the respondents to expedite the decision in the matter and to ensure that pensionary benefits and also the amount of gratuity, which are due to be paid to the applicant, are paid to him, including interest on the delayed payment, as admissible under the rules, within a period of two months from the date of receipt of a copy of this order.

5. With this, the OA stands disposed of.


(Sarveshwar Jha)
Member (A)

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