



Central Administrative Tribunal, Principal Bench

O.A. No. 609 of 2004
M.A. No. 531/2004

New Delhi, this the 9th day of March, 2004

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

Chander Bhan Panwar,
S/o Shri Udmir Ram,
R/o 1242, Near Krishan Mandir,
Najafgarh, New Delhi-43

....Applicant

(By Advocate: Shri George Paracken with Shri H.R. Goyal)

Versus

1. Union of India through
The Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi.

2. The Director General
Central Government Health Scheme (CGHS)
Ministry of Health & Family Welfare,
Department of Health,
Nirman Bhawan, New Delhi

....Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant was a Pharmacist in Central Government Health Scheme (CGHS). A criminal case was registered against him with respect to the offences punishable under Section 409, 468 and 471 of Indian Penal Code. The same was registered on 23.12.88. The applicant superannuated on 31.12.94. The provisional pension is stated to have been sanctioned because of the pendency of the criminal case.

2. On 2.12.97, the learned Judicial Magistrate at Ambala held the applicant guilty of the offences punishable under Section 409, 468 and 471 of Indian Penal Code. Vide order of 3.12.97, he was sentenced to undergo imprisonment

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till the rising of the court and to pay a consolidated fine of Rs. 5000/-.

3. The grievance of the applicant is that the provisional pension has been stopped but no decision in this regard has been taken by the competent authority as to if the pension has to be paid to the applicant or, in any case, the matter has not been finalised.

4. At this stage when rights of the respondents are not likely to be affected, we deem it unnecessary to give a notice to show cause while disposing the present petition.

5. It is directed that respondent no. 1 would consider and pass an appropriate order pertaining to the claim of the applicant. We make it clear that we are not expressing ourselves on the merits of the matter if the applicant is entitled to the pension or not. The decision preferably should be taken within four months of the receipt of the certified copy of the present order and communicated to the applicant. O.A. is disposed of.

Naik
(S.K. Naik)
Member (A)

Ag
(V.S. Aggarwal)
Chairman

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