

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI  
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O.A.No. 1521/92

Date of decision 22.1.1992

Shri J.S. Bisht ..

Applicant

V/s

Delhi Admn. & Ors. ...

Respondents

For the Applicant ...

Shri Shiv Kumar, counsel

For the Respondents ...

Ms. Geeta Luthra, counsel

CORAM:

The Hon'ble Member Shri I.P. Gupta, Member (A)

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[Delivered by Shri I.P. Gupta, Member (A)]

In this application, the applicant has prayed for the release of retiral benefits to which he is legally entitled. He has also prayed for payment of interest thereon. The counsel for the applicant states that the applicant has retired on superannuation on 31.7.1991. He was suspended on 7.12.1989 vide order No.3/87/89-I & EC/1536 but the order was revoked vide order No. 3/47/89-I&FC dated May, 1991. No charge-sheet was given to him prior to his retirement.

2. Head both the counsels. The undisputed facts are that

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inquiries were being conducted against the applicant. He was put under suspension and suspension order was later revoked. The applicant was allowed to retire. The applicant has been paid provisional pension. No judicial proceedings are contemplated against him. No charge sheet was furnished to him prior to his retirement.

3- Since no departmental or judicial proceeding was pending against the applicant, in the sense that no charge sheet was furnished prior to his retirement, action against him, in accordance with Sub Rule 2(a) of Rule 9 of the CCS(Pension) can not be taken. Proceedings if not instituted, while the Government servant was in service can now be initiated under Rule 9(1) of the said Rules. Rule 69 of the Pension Rules provides for provisional pension- and withholding of gratuity where departmental proceeding was pending. Since there was no charge sheet given to the applicant prior to retirement, departmental proceeding cannot be said to be pending against him prior to retirement. The applicant, is therefore,

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entitled to get full retiral benefits on his  
superannuation on 31-7-91.

4- In case the respondents wish to proceed against the applicant under rule 9(1) of the CCS Pension Rule, they are free to do so for withholding or withdrawing a pension or part thereof, whether permanently or for a specified period and for ordering recovery from a pension of the whole or part of any pecuniary loss caused to the government, but no such proceeding under Rule 9(1) has been commenced yet.

5- In the conspectus of above facts, and in the above view of the matter, the respondents are directed to release full retiral benefits to the applicant as due at an early date, preferably within a period of 3 months from the date of receipt of a copy of this order. In the facts and circumstances of the case, the bench is not inclined to grant any interest on late payment.

6- With the above directions, the case is disposed of.

*I. P. Gupta*  
(I.P. GUPTA)  
MEMBER (A) 22/1/93