

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 3rd day of April, 2001.

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

ORIGINAL APPLICATION NO. 900 OF 1996

Abdulla Khan,
son of Sri Rahman Khan,
Mohalla Kapoorpur,
District Ghazipur.

. Applicant

(By Advocate : Sri K. S. Rathor)

Versus

1. Union of Public Service Commission,
through its Secretary, U.P.S.C. Building,
Shahjahan Road, New Delhi.
2. The Chief Controller,
Government Opium Alkaloid Factory,
80-81, Morar, Gwalior.
3. General Manager,
Government Opium Alkaloid Work,
Ghazipur.
4. The Manager,
Government Opium Alkaloid Work,
Ghazipur.

. Respondents

(By Advocate: Km. Sadhna Srivastava)

ORDER (ORAL)

(By Hon'ble Mr. S. Dayal, AM)

This Original Application has been filed for
setting aside the impugned order dated 9.9.1977,

Contd..2

by which the disciplinary authority has imposed penalty of compulsory retirement. The setting aside the appellate order dated 8.2.1980, confirming the order of punishment is also sought. The applicant also seeks setting aside the order dated 30.8.88/6.9.88, which rejects the Revision Application filed by the applicant. The applicant also prays for a direction to the Respondents to take him ^{back} in service ~~back~~ with full back wages and consequential benefits or alternatively release pension and other retiral benefits.

2. We have heard Sri K.S. Rathore, learned counsel for the applicant and Km. Sadhna Srivastava, learned counsel for the Respondents.

3. The learned counsel for the applicant prays for a direction to the respondents for release of pension and other retiral benefits as the sole relief at that stage.

4. We find from the order dated 9th September, 1997 that the disciplinary authority has provided as follows in the operative portion of his order of punishment.

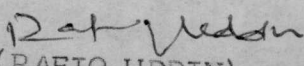
" However, keeping in view the long service of Sri Abdullah, I take a lenient view in this case and order that a penalty of compulsory retirement from service be imposed upon him w.e.f. the date of this order is served on Sri Abdullah. The period of suspension undergone by him shall be treated as on duty for purpose of pension only and he shall be entitled to the same wages as he would have received had he not been placed under suspension after reducing

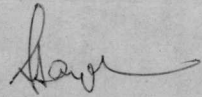
the subsistence allowance, if any, paid to him during the period of suspension."

5. The learned counsel for the Respondents states that since in the facts narrated by the applicant there is no mention about the denial of pension to the applicant, she is unable to say whether the applicant is presently in receipt of pension or not.

6. The learned counsel for the applicant states at Bar that the applicant is not in receipt of pension and has not received any further retiral benefits till date.

7. In the facts and circumstances of the case, we direct the respondents to allow grant of pensionary benefits to the applicant within a period of three months of receipt of a copy of this order. If the applicant has not been paid his pensionary benefits till date, he shall be paid interest @ 10% from the date of filing of this Original Application. No order as to costs.


(RAFIQ UDDIN)
JUDICIAL MEMBER


(S. DAYAL)
MEMBER (A)

Nath/