

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1468 of 1998

Allahabad this the 15th day of September, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Bachai Lal S/o Sri Mata Deen, R/o 277, New  
Sobateya Bagh, Allahabad.

By Advocate Shri P.P. Srivastava

Versus

1. Union of India, Ministry of Finance Department of Revenue through Under Secretary, Department of Central Board of Excise & Customs, New Delhi.
2. The Commissioner, Central Excise, Allahabad (U.P.).
3. The Deputy Commissioner (P/V), Central Excise Allahabad (U.P.).

By Advocate Shri Satish Mandhyan

O R D E R ( Oral )

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicant Shri Bachai Lal retired as Assistant Commissioner, Central Excise on 31.8.96. He has been provided with retiral benefits, but for gratuity and leave encashment, for which he made representations to the authorities in the respondents establishment, but vide letter dated 05/6-6-97, copy of which has been annexed as annexure A-3 to the

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O.A. He has been informed that two disciplinary cases are still pending consideration against ~~him~~ whom, therefore, Commissioner, Central Excise Allahabad has not acceded his request for payment of gratuity and leave encashment. Impugning this order, the applicant has ~~comm~~ before the Tribunal, seeking relief to the effect that this annexure A-3 be quashed and respondents be directed to ~~make~~ <sup>make</sup> payment of entire amount of gratuity along- with interest at the rate of 18% from 01.9.1996 and also to make payment of leave engashment, ~~of leave~~ <sup>for</sup> encashment with interest thereon.

2. The respondents have contested the case and their contention is that the applicant is being subjected to disciplinary ~~proceedings~~ with the charge regarding defaultation of Govt. money, therefore, he is not entitled to get any payment as requested in the O.A.

3. Heard, the learned counsel for the parties and perused the record.

4. It is not in dispute that the applicant is facing disciplinary proceedings and till conclusion of those proceedings, the applicant is not entitled to get the gratuity, which is available only to retired officer against whom there is no government dues. However, the respondents may re-consider the matter regarding payment of leave encashment, if applicant is entitled ~~not~~.

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5. The O.A. is decided with the direction to the respondents to re-consider the matter of payment of leave encashment <sup>to the applicant</sup>, if any due to his credit. The other relief sought for is declined at this stage.

No cost.

*See magu*

Member (J)

/M.M./