

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 28th day of November, 2001.

Q U O R U M :- Hon'ble Mr. C.S. Chadha, Member- A.

Orginal Application No. 476 of 2001.

Alok Kumar Goswami S/o Late Bhawani Das Goswami
R/o House No. 259/115B, Phulwariya Road (Kachchi Sadak),
Daraganj, Allahabad.

.....Applicant

Counsel for the applicant :- Sri N.C. Tripathi

V E R S U S

1. Union of India through the Secretary,
M/o Defence, Govt. of India, New Delhi.
2. The Secretary, M/o Defence, Govt. of India,
New Delhi.
3. Commandant, Ordnance, Depot Fort at Allahabad.
4. Chief Accounts Officer, Central Defence Accounts
(Pension), Allahabad.

.....Respondents

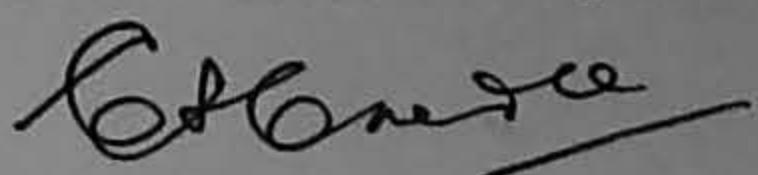
Counsel for the respondents :- Sri Manoj Kumar

O R D E R (Oral)

(By Hon'ble Mr. C.S. Chadha, Member- A.)

This O.A has been filed under section 19 of the
Administrative Tribunals Act, 1985.

2. The case of the applicant is that he retired on 31.08.2000 as an Assistant from Ordnance Depot, Fort, Allahabad and without issue of any charge-sheet to him,



he has not been given his full retiral benefits and pension. Learned counsel for the respondents states that a show cause notice was given to the applicant in July, 2000 before his retirement as to why departmental proceedings should not be initiated against him. Learned counsel for the respondents further states that since an enquiry was contemplated, provisional pension has already been given. I am afraid the legal position in this behalf is that unless the charge-sheet is issued prior to the retirement, or within two years after the retirement with the sanction of the appropriate authority, the pension cannot be withheld.

3. The learned counsel for the respondents stated that the department had found that the applicant was prime facie guilty of bigamy and was guilty of concealing this fact. Because of that a departmental enquiry was contemplated against him.

4. Untill or unless a departmental enquiry is actually started, by following the procedure prescribed under law/ rules, there is no valid basis for giving the applicant only a provisional pension. Respondents are, therefore, directed to pay the pension of the applicant forthwith without any further delay. Interest at the rate of 18% should also be paid for the period of delay. The O.A is disposed of accordingly.

5. There shall be no order as to costs.


Member-A.

/Anand/