

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

Dated: Allahabad, the 1st day of August, 2001.

Coram: Hon'ble Mr. S. Dayal, AM

Hon'ble Mr. Rafiq Uddin, JM

ORIGINAL APPLICATION NO. 917 OF 2001

Parmatma Saran Garg,
aged about 60 years,
s/o late Pyare Lal Garg,
r/o Military Farm, Allahabad.

.... Applicant

By Advocate: Sri K. P. Singh

Versus

1. Union of India through Secretary,
Ministry of Defence, New Delhi.
2. Deputy Director General,
Military Farm QMG's Branch Army HQs,
West Block-III, R.K. Puram, New Delhi.
3. Director, Military Farm Central Command,
Lucknow.
4. Officer Incharge Military Farm,
Allahabad.
5. QMG Military Farm,
QMG Branch, New Delhi.

.... Respondents

By Advocate: Sri Ganga Ram Gupta

O_R_D_E_R (ORAL)

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

This application has been filed for a direction to the respondents for quashing the order dated 26th July, 2001 and to grant pension

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and other retiral benefits to the applicant.

The applicant, who was working as L.D.C. in the Military Farm, Allahabad, was proceeded against for absence from duty w.e.f. 20th August, 1998 till date and the disciplinary authority passed order dated 26th July, 2001 for compulsory retirement of the applicant and also ordered that the applicant shall not be entitled for pensionary benefits.

2. We have heard the arguments of Sri K.P. Singh for the applicant and Sri Ganga Ram Gupta for the Respondents.

3. The learned counsel for the applicant has sought the setting aside of the order of punishment dated 26th July, 2001 and till the order is set aside, interim order keeping the same in abeyance. The learned counsel for the applicant has contended that the order has been passed due to bias. It can be seen from the fact that the applicant has been declared as not entitled for the pensionary benefits. He has brought our attention to the provisions of Rule 40 of CCS Pension Rules, which provide for compulsory retirement pension at a rate not less than 2/3rd on the date of compulsory retirement. The learned counsel for the applicant has also stated that the Enquiry Officer found certain documents forged, on which basis chargesheet was framed but yet has given finding that the applicant was guilty of the alleged misconduct.

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4. Sri Ganga Ram Gupta, learned counsel for the respondents, on the other hand, stated that it is discretionary on part of the authorities to grant pension to an employee, who has been compulsorily retired, on the basis of guilt in a disciplinary proceedings.

5. We find that the applicant has not preferred any appeal and that the applicant would be entitled to raise these issues along with others, on which he may seek orders of the appellate authority and higher authority under the rules.

6. The learned counsel for the applicant states that he would file an appeal memo within a week. The appeal memo, if so filed, shall be disposed of by the respondents within six weeks thereafter. With these directions, the application is disposed of at the stage of admission itself. No order as to costs.

Rafiq Uddin

(RAFIQ UDDIN)
MEMBER(J)

(S. DAYAL)
MEMBER(A)

Nath/