

(Reserved on 29.01.2021)

Pronounced on 17.03.2021

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Present:

Hon'ble Mr. Devendra Chaudhry, Member-A

Original Application No. 330/1161/2019
(U/S 19, Administrative Tribunal Act, 1985)

Rajendra Rao Mannewar, Aged About 60 years, S/o Late Shankar Rao, R/o 124/167 'C' Block Govind Nagar, Kanpur.

.....Applicant.

By Advocate – Shri Anil Kumar Singh.

V E R S U S

1. Union of India, through the secretary, Ministry of Skills Development & Entrepreneurship, 5th Floor Shram Shakit Bhawan 2/4 Rafi Marg, New Delhi 110001.
2. The Director General/Additional Secretary, Directorate General of Training, Ministry of Skills Development & Kousal Bhawan in front of metro pillar no.95 pusa road karol bag, New Delhi.

.....Respondents.

By Advocates :Shri Jai Singh

O R D E R

Shri A.K. Singh, learned counsel for the applicant and Shri Bablu Singh holding brief of Shri Jai Singh, learned counsel for the respondents, both are present in Court.

2. The present original application has prayed for release of retirement benefits of the applicant which have not been allegedly released so far despite the retirement of the applicant from service on 30.06.2019 despite a representation dated 06.08.2019 which is still pending before the respondents.

3. The following relief has been prayed for:-

- “i to direct the respondents to grant all retiral benefits along with 18% interest from due date to the date of actual payment.*
- ii issue any other deemed fit.*
- iii award costs.”*

4. Per applicant, brief facts of the case are that he retired from service on 30.06.2019 while working as Director National Skill Training Institute, Udyog Nagar, Kanpur (Annexure A-1). That the applicant was transferred from ATI Kanpur to RDAT Bhopal on account of which he approached this Tribunal through an original application No 842 of 2017 which was allowed. Aggrieved by this, the respondents vide order 18.08.2017 and 21.08.2017 passed an illegal order depriving the applicant of his financial powers qua Director / Head of Department of ATI Kanpur. Aggrieved by this order the applicant once again filed an original application No 986 of 2017 in this Tribunal wherein an interim order dated 28.05.2018 was granted in favour of the applicant (Annexure A2). Aggrieved by the aforesaid original applications in this Tribunal, it is alleged that the

applicant was suspended vide order dated 26.06.2019 just prior to 4 days before his superannuation age. Interalia, he has also filed application for a CGHS card which has not yet been given to him. That despite his retirement vide 30.6 2019 and representation dated 06.8.2019, the retirement benefits have not been given to him. That this withholding of retirement benefits is against the CCS (Pension) Rules, 1972 and since no decision has been taken on his representation; hence the OA.

5. *Per Contra*, the respondents have filed a short counter affidavit and detailed counter affidavit. In the short counter affidavit it is submitted that the retiral dues and provisional pension is withheld as disciplinary proceedings are pending with regards to the applicant. That the matter is referred to the Central Vigilance Commission vide circular OM dated 23.12.2019 regarding initiation of major penalty proceeding under rule 9 of CCS pension rules 1972 and since the investigation is pending with the CVC, therefore the grant of provisional pension to the applicant is still in process. A copy of the letter dated 12.03.2020 has been filed in this connection annexure (SC A-1). In the detailed counter affidavit facts similar to those stated in the short counter affidavit have been reiterated even while making para wise denial of the averments of the applicant. However, in para 7 it is also stated that only provisional pension is

payable in cases where disciplinary proceedings are pending whereas other dues are withheld till the conclusion of the departmental proceedings. That the concerned Accounts Officer was requested to release the provisional pension to the applicant vide letter dated 28.04.2020 and some others and lastly on 30.09.2020 (Annexures CA1 to CA4) and that the Provisional Pension has in fact been released vide order dated 30.09.2020 with the provisional pension being applicable since 01.07.2019 and so the applicant is not entitled to any further relief.

6. In the rejoinders which have been filed by the applicant, prayer has been made with respect to the issue of CGHS card and the matter of revoking of the suspension order as the same has not been allegedly reviewed in time. Other facts are reiterated as have been made in the original application.

7. The ld. counsel for both the parties have been heard at length and the documents made available examined with care.

8. The only issue to be decided is whether the applicant has been released the retiral pension provisionally pending the disciplinary proceedings. The matter of disciplinary proceedings and the related issue of suspension is the jurisdiction of Division Bench and the

applicant counsel had also been advised as much when the matter was kept for being spoken to after the judgement was reserved. Accordingly the issue of disciplinary proceeding for the suspension matter will not be adjudicated by this Single Bench of the Tribunal.

9. As regards the release of provisional pension as per CCS (Pension) Rules, 1972 the same has been done by the respondents vide order dated 01.07.2020 w.e.f. 01/07/2019 wherein a provisional pension of Rs 67,000 has been directed to be released to the applicant with effect from 1st July 2019. Extracts of the order dated 1st July 2020 are reproduced here in below for ready reference:-

***“DGT-A-38013/4/2019-ADMN.II
Government of India
Ministry of Skill Development & Entrepreneurship
Directorate General of Training***

***1st Floor, Employment Exchange Building
Pusa Complex, New Delhi-110 012
Dated 01st July, 2020***

***To,
The Pay and Accounts Officer,
PAO, DGT
MSDE,
Shram Shakti Bhawan
Delhi-110001***

Sub: Grant of Provisional Pension to Sh. R.R. Mannewar, Ex-Regional Director, RDSDE, Uttar Pradesh-regarding.

***Sir,
I am directed to convey the sanction of the President for payment of Provisional Pension to Sh. R.R. Mannewar, Ex-Regional Director as per CCS Pension Rules of Rs. 67,250/- (Rupees Sixty Seven Thousand Two Hundred Fifty) + applicable Dearness Allowance w.e.f. 01.07.2019 till the date the disciplinary proceedings are finalized.***

The amount payable as provisional pension is subject to finalization of disciplinary proceedings pending against Sh. R.R. Mannewar, Ex-Regional Director.

The provisional pension will be debitable to Major Hear “2071-Pension and other Retirement Benefits”.

Sd/-

(Sonu Bhatia)

Under Secretary to the Govt. of India

Copy to:-

- i. DDO, RDSDE Kanpur, Uttar Pradesh*
- ii. DDO, Cash Section, DGT, Pusa, New Delhi*
- iii. Sh. R.R. Mannewar, Ex-Regional Director, 1616, Hirday Nagar, Gupteshwar, Jabalpur, MP-420001.”*

10. Thus perusal of the above makes it clear that the relief concerning release of provisional pension has indeed been granted by the respondents already on date of arguments in the matter and in fact when the rejoinders were filed by the applicant. It is not clear why the applicant is still making a statement regarding non release of the provisional pension which while could not have been done stated when the OA was filed which was on a date earlier to the said pension release order but should have been surely admitted by the applicant. However the fact is that the Rejoinders were filed vide 26.10.2020 which is of a date later than 01.07.2020 which is the date of release of the provisional pension and still the existence of the provisional pension release order dated 01.07.2020 has not been brought to the knowledge of the court from the applicant side. If that were so, then the matter concerning the release of provisional pension *per se* would have been closed and any other matter not yet resolved pursued

further. Hence there has been some amiss in this regard. However not wishing to pursue the matter further, it is clear nothing further needs to be done in the matter of relief of the applicant. The case for grant of additional interest on alleged delayed payment of provisional pension does not stand too much ground as the relief has been granted during the pendency of the OA and submitted as such in the detailed counter. Nothing more is required to be done in this regard and the ends of justice are served. As regards the matter of suspension etc this is a jurisdiction of the Division Bench. As regards CGHS card release etc, a separate OA would need to be filed so as not to fall prey to inadmissible plurality of relief provisions in the CAT Act/Rules.

11. Accordingly, since the provisional pension has been released hence there is no case left for the applicant and the original application is therefore liable to be dismissed and is dismissed.

12. No costs.

(Devendra Chaudhry)
Member (A)

/Shakuntala/