

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 14th day of March Two Thousand And Nineteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A. 310/578/2017

Shri R.A. Mahadevan, Aged 59 years,
Employee No. 683358, T.No.15/10159,
Sr. Tech/Blacksmith,
Integral Coach Factory,
Chennai-38.

....Applicant

(By Advocate: Mr.R. Ramesh)

Versus

1. Union of India Rep. by
The General Manager,
Integral Coach Factory,
General Manager's Office,
Personnel Branch,
Chennai-600 038;
2. The Assistant Personnel Officer,
Integral Coach Factory,
General Manager's Office,
Personnel Branch,
Chennai-600 038.

...Respondents

(By Advocate: Mr. D. Hariprasad)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. Applicant has filed this OA seeking the following relief:-

"to call for the order bearing No.PB/Sett/683358/RAM dated 08.02.2017 of the 2nd respondent and set aside the same and consequentially direct the respondent to grant all the superannuation benefits including DCRG, Commutation, PF, Insurance amount and Leave Encashment and pension from the date of superannuation."

2. It is submitted that the applicant superannuated from service on 28.2.2017 after rendering 29 years of service and retired as Sr. Technician. He made a representation dated 11.10.2016 seeking terminal benefits. However, the impugned order dated 08.2.2017 was communicated to the applicant stating that the applicant's family pension, DCRG and commutation would be decided after the outcome of the Criminal proceedings pending against him.

3. Learned counsel for the applicant would submit that the criminal case pending against the applicant related to land grabbing and the applicant was neither a seller nor a purchaser and he had only attested the transaction as one of the witnesses and, accordingly, he was not guilty. The respondents were, therefore, not justified in withholding the applicant's DCRG and commutation of pension which is a matter of right for him as he put in 29 years of service.



4. Learned counsel for the respondents would, however, submit that it is not correct to state that the applicant was not involved in the land grabbing case. He was a witness to a transaction of his wife and her sister on account of which he was involved in the criminal case. He has to prove his innocence before the criminal court and get an acquittal. His innocence could not be pleaded either before the respondents or this Tribunal.
5. I have considered the pleadings. It is not in dispute that a Criminal Case is still pending against the applicant as on date. Accordingly, I find no infirmity in the order dated 08.02.2017 whereby the applicant has already been allowed provisional pension as also the dues under provident fund, insurance and Leave encashment. DCRG and commutation of pension alone are pending for want of acquittal of the applicant by criminal court. The situation does not warrant interference by this Tribunal at this stage.
6. OA is premature and is accordingly dismissed. No costs.