

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 1733 of 1992

Lais Mohd.

..... Petitioner

Versus

Union of India & Ors

..... Respondents

CORAM:

HON'BLE MR. JUSTICE R.K. VARMA, V.C.

(By Hon. Mr. Justice R.K. Varma, V.C.)

By this petition filed under section 19 of the Administrative Tribunals Act 1985, the petitioner has sought a direction to the respondents no.2 & 3, the Director of Accounts(Postal) Lucknow and Supdt. of Post Offices Basti Region, Basti, U.P. to pay to the petitioner the D.C.R.G and the difference of pension and provisional pension since the date of his superannuation i.e.31.5.88 with interest.

2. The petitioner retired on 31.5.88 on attaining the age of superannuation as Postal Assistant, Basti Head quarter. By an order dated 31.5.88 (Annexure A-2 to the petition) passed by the Respondent No.3, Sanction was accorded for payment of provisional pension of Rs.516/- per month Under Rule 69-B of the Central Civil Services (Pension) Rules 1972. As regards the payment of gratuity (DCRG), the same was withheld by the respondents on account of the fact that a criminal case is pending against the petitioner U/s 302 of I.P.C., Since according to Rule 69-C no gratuity can be paid to the government servant until the conclusion of the judicial proceedings and issue of final orders thereon.

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3. According to the petitioner the difference between the provisional pension and full pension is payable by the respondents since the respondents ^{Rw.} have continued to pay to the petitioner only the provisional pension since the date of his retirement. The respondents' reply is that the amount of provisional pension was equivalent to full pension as is contemplated under Rule 69(1)(a) and as such no amount on account of any difference between full pension and provisional pension is payable to the petitioner. The petitioner has not disclosed by any computation that the amount of provisional pension was to any extent short of the amount of the full pension payable.

4. On the averment of the respondents that the provisional pension is equal to the maximum pension which is being paid to the petitioner, although sanction for payment of full pension has not been accorded because the criminal proceedings have yet not concluded. The payment of gratuity is also not paid because of the fact that the said criminal proceedings have not concluded.

5. The reason for withholding the amount of gratuity in accordance with 69-C of the Pension Rules, ~~is~~ appears lawful and the averment of the respondents that the provisional pension is equal to maximum pension is being paid to the petitioner, appears plausible in the absence of any dispute raised by the petitioner as regards computation of pension.

6. In view of the aforesaid discussion, I do not find any merit in the grievance of the petitioner as made in this petition. The petition is therefore, dismissed with no order as to costs.

Dated: Sept:28th 1993

(Uv)

R.K. Vainu
Vice Chairman