

OPEN COURT
CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH
ALIAHABAD

DATED: THE 17th DAY OF SEPTEMBER 1997

CORAM: HON'BLE MR. S.DAYAL, A.M.

ORIGINAL APPLICATION NO.1394 OF 1995

Jagdish Prasad-II S/o Ganga Prasad
S.G.T.O. in the office of Sub Divisional
Officer, Telegraphs, Hathras Aligarh,
R/o Village and Post Office Salempur
Tahsil Sadabad district Mathura.

.... Applicant

C/A Shri R.L.Yadav, Adv.

Versus

1. Government of India through Secretary
Telecommunication, New Delhi.
2. General Manager, Telecommunication Department,
Lucknow.
3. General Manager North Area,
Telecommunication Department,
Bareilly.
4. District Telecommunication Engineer,
Telecommunication Department, Aligarh.

.... Respondents

C/R Shri N.B.Singh, Adv.

ORDER

PER HON'BLE MR. S.DAYAL, A.M.

This is an application under section 19 of the
Administrative Tribunals Act 1985.

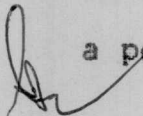
2. The applicant seeks the relief of the direction to the respondents to pay pension, gratuity, general provident fund and five months salary towards leave^{and that}. The cost of the application may also be paid.

3. The facts as given in the application are that the applicant was appointed as Line-man on 22.6.1961 and was promoted as telephone operator in 1968 and performed the duties of S.G.T.O. for 15 years. The applicant retired on 31.3.1993. While in service the applicant was involved in Criminal Case No. 406/91 under sections 147, 148, 149, 307, 324 and 323 I.P.C. The applicant was suspended after his arrest by order dated 19.12.1991 and the order of suspension was revoked with effect from fore-noon of 13.3.1992.

4. The arguments of Shri R.L.Yadav, learned counsel for the applicant have been heard. Shri N.B.Singh, learned counsel for the respondents has not remained present today. The learned counsel for the applicant mentioned that the applicant is in receipt of original pension which was granted to him only after he filed the present O.A. but has not been paid other benefits.

5. The respondents in the counter affidavit have mentioned that the payment of D.C.R.G. was stopped due to pendency of the criminal case. The applicant had taken up the matter with the office of the General Manager, Lucknow and the Chief Accounts Officer had informed the applicant that under the provisions of Pension Rules the other dues could be paid to him only after the criminal case was decided.

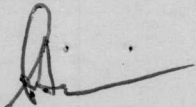
6. Rule 9 of C.C.S. Pension Rules 1972 provides for withholding or withdrawal of pension by the President in case a pensioner is found guilty of grave misconduct or negligence



during the period of service, in any departmental or judicial proceedings. Such an order can only be passed after the judicial proceedings pending against the applicant are complete. Rule 69 of C.C.S. Pension Rules provides for payment or provisional pension which has been allowed to the applicant.

7. The applicant has prayed for payment of the amount of General Provident Fund. The applicant has not produced any copy of the representation containing such a request addressed to the respondents, although he has claimed that his representation is pending and has not been accepted by the respondents. It is not known in the absence of a copy of representation whether he has claimed the amount of Provident Fund in his representation. The applicant can, however, make a specific representation about the Provident Fund and about the period which he claims the salary of five months the period of which has not been given in his application by means of a fresh representation which shall be considered and decided by the respondents within a period of three months from the date of receipt of the representation along with the copy of this order. The claim of the applicant for pension and gratuity would be decided on the completion of proceedings in the criminal case pending against him.

8. There shall be no order as to costs.


Member-A

/pc/