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CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 375 OF 1990

Date of decision: **March 6, 1992.**

Shri Akshay Kumar Jee

.. Applicant

-Versus-

Union of India and others,

.. Respondents

For the applicant

: M/s. S. S. Mohanty,
R. C. Sahoo,
Ms. S. L. Patnaik,
Advocates.

For the Respondents

: Mr. Aswini Kumar Misra,
Standing Counsel (Central)

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE CHAIRMAN

A N D

THE HONOURABLE MR. I. P. GUPTA, MEMBER (ADMN.)

1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? No.
3. Whether Their Lordships wish to see the fair copy of the Judgment? Yes.

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JUDGMENT

K.P. ACHARYA, V.C.

In this application under section 19 of

the Administrative Tribunals Act, 1985, the Petitioner prays to quash the orders of the Opposite Party No. 2 contained in Annexures 6 and 7 and grant interest @ 18 per cent per annum on the unpaid amounts after the due date of retirements with effect from the date or dates they fell due.

2. Shortly stated, the case of the applicant is that while he was serving as Deputy Chief Scientific Officer in the cadre of Defence Quality Assurance Service in the Ministry of Defence Production and Supplies, he was posted as Senior Inspector, in the Inspectorate of Metals, Ichhapur, West Bengal and during his incumbency as such, certain allegations were made levelled against him for having committed irregularities /illegalities and for which a disciplinary proceeding was initiated against him which resulted in his punishment to the extent of reduction of his Pension. Incidentally, it may be stated that the Petitioner was granted a provisional Pension. According to the Petitioner, the full pay of the Petitioner for ten months preceding the date of retirement has not been taken into consideration while calculating his full

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Pension and therefore, this application has been filed with the aforesaid prayer.

3. Counter has not been filed in this case for reasons best known to the Opposite Parties.

However, we have heard Mr. S.S.Mohanty learned Counsel appearing for the Petitioner and Mr. A.K.Mishra learned Standing Counsel for the Central Government at length.

4. The argument advanced by the learned Counsel for both sides need not be noted and discussed ^{in detail} and there is no necessity of expressing any opinion in ^h regard to the merits of this case. The alleged wrong calculation of the Pension of the Petitioner who was deprived of full Pension was due to imposition of a penalty to the extent of reduction of pension resulting from a disciplinary proceeding. The legality of the order of punishment was challenged and sought to be quashed in Original Application No.394 of 1990. For the reasons stated in the judgment passed in O.A. 394 of 1990, the order of punishment has been quashed and the Petitioner has been exonerated from the charges.

5. In view of this position, the Petitioner would be entitled to all retiral benefits ^{in full} _{1/2} according

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to Rules and therefore, this application is disposed of as infructuous. There would be no order as to cost.

I. Mohanty
.....
MEMBER (ADMN.)

Ans. Dr. B. Mohanty
.....
VICE CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty.