



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No. 102 of 1993.

Date of Decision: September 8, 1993.

Prafulla Kr. Das

Applicant(s)

Versus

Union of India and others.

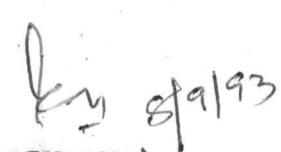
Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? ND
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? ND

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

08 SEP 93

  
(K. P. AGHARYA)  
VICE-CHAIRMAN

Key 8/9/93



7. 8  
CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 102 of 1993.

Date of Decision: September 8, 1993.

Prafulla Kr.Das

Applicant(s)

Versus

Union of India and others. Respondent(s)

For the applicant: M/s. A.K. Misra,  
S.K. Das, S.B. Jena  
A.P. Guru, Advocates.

For the respondents: Mr. Ashok Misra,  
Senior Standing Counsel (Central)

C O R A M:

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

AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

K.P. ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to be issued to the respondents to pay the gratuity money and other pensionary benefits to the applicant.

2. The applicant was allowed voluntary retirement from Government service with effect from 1st March, 1988. While serving as Superintendent, Central Excise and Customs, a charge sheet was submitted against the applicant for having misconducted himself

✓K

and having committed certain irregularities on 29.1.1988. The applicant has been receiving provisional pension. The grievance of the applicant in this application is due to non-payment of gratuity and finalisation of pension he is facing difficulties.

3. We have heard Mr. Aswini Kumar Misra, learned counsel for the applicant and Mr. Ashok Misra, learned Senior Standing Counsel (Central) for the respondents. Mr. Aswini Kumar Misra strenuously relied upon the case of D. V. Kapoor vrs. Union of India and others reported in AIR 1990 SC 1923 and contended that the Supreme Court having taken a view that the President has no right to reduce the gratuity money of any Government official by way of punishment, in the present case the Respondents should be directed to forthwith release the gratuity money in favour of the applicant. True it is that in the case of D. V. Kapoor Their Lordships have laid down that the President has no right to order reduction of gratuity money either fully or in part resulting from a disciplinary proceeding. But in the case of Jarnail Singh vrs. Secretary, Ministry of Home Affairs and others reported in (1993) 2 SCJ 43, <sup>Their Lordships</sup> have distinguished the view taken in the case of D. V. Kapoor and were of opinion that in view of the provisions contained in clause (o) in Sub-rule (1) of Rule 3 of the Central Civil Services (Pension) Rules, 1972 the President has right to order reduction of the gratuity money either in part or in full resulting from a disciplinary proceeding. In the case of Jarnail Singh serious irregularities were



committed by the petitioner causing loss to the Government. Here, in the present case, the applicant has been charged with serious irregularities having been committed by him causing pecuniary loss to the Government. Therefore, in our opinion, the principle laid down by Their Lordships in the case of Jarnail Singh has fullest application to the facts and circumstances of the present case and therefore we find no merit in this application which stands dismissed. No costs.

Before we part with this case, we would direct that the disciplinary proceeding should be disposed of finally within 120 days from the date of receipt of a copy of this judgment. In case any adjournment is prayed for, by the applicant, the period of such adjournment should be added to the said period of 120 days.

.....  
H. S. J. A. L.  
.....  
MEMBER (ADMINISTRATIVE)

08 SEP 93

.....  
K. S. J. A. L.  
8. 9. 93  
.....

VICE-CHAIRMAN

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
September 8, 1993/Sarangi.

