

CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 137 OF 2001
Cuttack, this the 24th day of August, 2001

Vrs.

Union of India and others ... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No

(G.NARASIMHAM)
MEMBER (JUDICIAL)

SOMNATH SOY
VICE-CHAIRMAN
24.8.201

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

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CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

.....
Shri Gokula Chandra Mishra, aged about 62 years, son of late Gopinath Mishra, a permanent resident of village Adhanya Shasan, P.O-Anakhia, P.S-Jagatsinghpur, District-Jagatsinghpur, retired Scientific Officer, Department of Atomic Energy, Government of India, Heavy Water Plant, Talcher, PO-Vikrampur, Dist.Angul, at present residing at Plot No. 1564/1601, Aerodrom Area, Bhubaneswar-20.

..... Applicant

Advocates for applicant - M/s C.behera
K.K.Barik
B.B.Panda

Vrs.

1. Union of India, represented through the Secretary to Government of India, Department of Atomic Energy, Anushakti Bhawan, C.S.M.Mary,Mumbai-400 039.
2. The Chief Executive, Heavy Water Board, V.S.Bhawan, Mumbai-400 094.
3. The General Manager, Department of Atomic Energy, Heavy Water Plant, Talcher, P.o-Vikrampur, Dist.Angul.

..... Respondents

Advocate for respondents - Mr.A.K.Bose
Sr.CGSC

O R D E R
SOMNATH SOM, VICE-CHAIRMAN

In this O.a. the petitioner has prayed for quashing the order dated 6.10.1994 (Annexure-4) initiating disciplinary proceedings against him and the order dated 28.1.1998 (Annexure-11) communicating a copy of the enquiry report to him. He has also prayed for a direction to finalise the disciplinary proceedings within a stipulated period by exonerating the applicant from the charges. The

last prayer is for a direction to the respondents to pay the amount of regular pension, DCRG, commuted value of pension, surrender leave benefit and other retiral benefits within a stipulated period with arrears with interest. For the purpose of considering the petition, it is not necessary to refer to the detailed averments made by the applicant in his O.A.

2. The applicant retired on superannuation as Scientific Officer-F with effect from 31.7.1998. While he was working in Heavy Water Plant, Talcher, he was nominated to the Board of Directors of Heavy Water Plant Employees' Consumer Co-operative Society. In respect of certain alleged lapses departmental proceedings were initiated against him in order dated 6.10.1994, i.e., prior to his superannuation. Respondents in their counter have stated that after completion of the enquiry into the charges, the applicant has been exonerated. In view of this, the prayer for quashing the chargesheet and the order communicating the enquiry report has become infructuous.

3. The applicant has prayed for payment of retiral benefits. The respondents have pointed out that after his superannuation the applicant was getting provisional pension of Rs.7950/- which is the same as the final pension. They have furtherstated that a sum of Rs.3,20,045/- towards retirement gratuity and Rs.10,000/- towards surrender leave benefit have already been paid to him on 18.6.2001. It has been stated that interest payable on gratuity has been calculated and the same will be paid to him after approval by the competent authority. The respondents have stated that the applicant has been requested to submit application for commutation of pension within one year of the order dated 21.5.2001 and there is

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nothing further to be paid to the applicant. The learned counsel for the petitioner has prayed that the Tribunal may fix a time limit for payment of interest as also the commuted value of pension. In view of this, we direct the respondents to pay the interest, as has been calculated by them, to the applicant within a period of 90 days from the date of receipt of copy of this order.

4. As regards commuted value of pension, the applicant has to apply for the same and has also to indicate the quantum of pension which he wants to commute. There is nothing in the pleading that the applicant has already done this. In view of this, we dispose of this prayer of the applicant with a direction to the respondents that the applicant's request for commutation of pension should be disposed of within a period of 60 days from the date of receipt of such request.

5. Lastly, the applicant has asked for Rs.10,000/- towards litigation expenses as cost as he has been harassed after retirement by not releasing the retiral benefits and ultimately in the departmental proceedings he has been exonerated. On a careful reading of the OA we find that in the petition he has ~~not~~ not asked for any cost. In this case payment of gratuity and certain other retiral benefits was delayed because of pendency of the departmental proceedings. In view of this, we hold that no case is made out for payment of cost which in any case the applicant has asked for only at the time of conclusion of hearing. This prayer is accordingly rejected.

6. In the result, therefore, the O.A. is allowed in terms of observation and direction above.

(G.NARASIMHAM)

MEMBER(JUDICIAL)

SOMNATH SOM
24/2/2011

VICE-CHAIRMAN