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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

O. A. No. 829 of 2013

Cuttack the 16<sup>th</sup> day of December, 2013

CORAM

THE HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

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Sri Pravat Kumar Sahoo, aged about 61 years, Son of Late Ananta Charan Sahoo, retired Sr. Audit Officer, Office of the AG (G&SSA), Odisha, Bhubaneswar at present residing in Plot No.4913 (near House No. E-A-12) Bargar Brit Colony, Bhubaneswar-751018.

....Applicant

(Advocates: M/s.P.K.Kar,D.K.Mohanty)

VERSUS

**Union of India Represented through -**

1. The Secretary, Ministry of Finance, Govt. of India, New Delhi-110 001.
2. Comptroller and Auditor General of India, 9 Deen Dayal Upadhaya Marg, New Delhi-110 124.
3. The Accountant General ( G&SSA) Odisha, Bhubaneswar-751 001, Bhubaneswar.

.....Respondents

(Advocate: Mr.B.K.Mohapatra)

**ORDER**

**(Oral)**

**A.K.PATNAIK, MEMBER (I):**

The sum and substance of the case of the Applicant, <sup>is that</sup> though he ~~retired~~ retired from service on reaching the age of superannuation w.e.f. 28.2.2013, due to pendency of the Disciplinary Proceedings he has not received full ~~settlement~~ retirement dues till date. In the disciplinary proceedings after <sup>AS</sup> receipt of the report of the IO he has already submitted his defence on 18.06.2013 followed by a reminder dated 02.09.2013 requesting to drop the

*W. K. Mohapatra*

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proceedings but till date neither the proceedings have been closed/dropped nor has he received any reply on his representation dated 02.09.2013. Hence by filing the instant OA he has prayed for the following relies:

- “(A) To allow the application and to declare that consequent on retirement of the applicant on 28.2.2012 after attaining the age of superannuation, the charge sheet dated 9.8.2012 (as per Annexure-A/3) issued while the applicant was not in service, has been redundant as there is no charge of grave misconduct against the applicant and the same proceeding cannot be a deemed proceeding under Rule 9(2) (a) of CS (Pension) Rules, 1972;
- (B) To issue directions to the Respondent No.2 to release the Gratuity and commuted value of pension to the applicant immediately along with interest at the rate of 9% p.a from the date of retirement to the date of actual payment of such amount;
- (C) To order and direct that the cost of litigation be paid to the applicant by the Respondent No.2 for dragging the applicant into unnecessary litigation;
- (D) To issue any other order or orders, direction or directions as the Hon’ble Court deems fit and proper in the interest of justice, equity and fair play for the benefit of the applicant.”

2. Copy of this OA has been served on Mr.B.K.Mohapatra, Learned Additional CGSC for the Union of India. Heard Mr.D.K.Mohanty, Learned Counsel for the Applicant and Mr.B.K.Mohapatra, Learned Additional CGSC for the Respondents and perused the records. Since it is the case of the applicant that due to delay in taking decision in the Disciplinary Proceedings he has not been <sup>paid</sup> ~~release~~ full retirement dues which <sub>is due</sub> he is entitled to, as per Rules, and he has already submitted his defence to

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the report of the IO and thereafter by making representation dated 2.9.2013 he has prayed for dropping of the disciplinary proceedings which is still pending, without expressing any opinion on the merit of the matter this OA is disposed of, at this admission stage, with direction to the Respondent No.2 to consider/dispose of the representation dated 2.9.2013 and communicate the result thereof, in a well-reasoned order, to the Applicant, within a period of 60(sixty) days from the date of receipt of copy of this order. There shall be no order as to costs.

3. As prayed for by Mr. Mohanty, copy of the order be sent to Respondent No.2, by speed post, at his cost, for compliance; for which he undertakes to furnish the postal requisite within three days hence.



(A.K.PATNAIK)  
Member (Judicial)