

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

**Original Application 175/2011**

**Date of Order : 14.11.2011**

**CORAM: HON'BLE MR. SUDHIR KUMAR, MEMBER (A)**

Govind Singh Asawara S/o Shri Chandu Lal aged 61 years, retired Public Relation Inspector (Postal), Udaipur R/o 2-K-4, Gayatri Nagar, Hiran Magri Sector-5, Udaipur.

**.....Applicant.  
By Mr. Vijay Mehta, Advocate.**

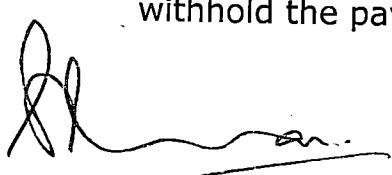
**Versus**

- 1- Union of India through the Secretary to Government, Ministry of Communication (Department of Posts), Sanchar Bhawan, New Delhi.
- 2- Senior Superintendent of Post Offices, Udaipur.
- 3- Director of Accounts (Postal), Jaipur.

**..... Respondent  
By Mr. M.S.Godara for Mr. Vinit Mathur, Advocate.**

**ORDER  
[BY THE COURT ]**

Heard both the learned counsels. The learned counsel for the applicant has submitted that though provisional pension has already been granted to the applicant,, full pension and other retiral benefits have been withheld by the respondents on the ground that disciplinary proceedings are contemplated against the applicant. However, till date no chargesheet has been served, and since this is a case of post retiral disciplinary proceedings, even prior permission of the President has not been obtained for such proceedings being initiated against the applicant, and therefore the respondents cannot be allowed to withhold the payment of full pension and other retiral benefits.



2. In his reply, the learned counsel for the respondents submits that since a final decision about the issuance of chargesheet against the applicant, and instituting post retiral departmental proceedings under Section 9 of the Pensions Act, has not yet been taken, the respondents have taken the step to release ad hoc pension, and would, within a short period of time, either issue the chargesheet and initiate post-retiral departmental proceedings, or, if it is otherwise so decided, release the full pension and other retiral benefits of the applicant.

3. Since no precipitate order has as yet been passed against the applicant, and the matter is still under consideration of the respondents, there is no reason and logic for this OA to remain pending at this stage. Accordingly, the respondents are directed to complete their administrative processes within next three months, and either release the full pension and other retiral benefits of the applicant, or take appropriate actions as per rules. Needless to add that if the applicant is then aggrieved by a fresh cause of action, he would be at liberty to approach the appropriate forum for relief against that fresh cause of action. This OA is therefore disposed of with no order as to costs.



(Sudhir Kumar)  
Administrative Member