

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.290/00467/2015

Jodhpur, this the 02nd day of December, 2016

CORAM

Hon'ble Ms. Praveen Mahajan, Administrative Member

Yogendra Kumar Chaturvedi S/o late Shri Kalyan Prasad Chaturvedi, age 65 years, R/o Yogendra Niwas, Behind Bhadada Bagh, Bhopalganj, Bhilwara.

(Applicant retired from the post of Superintendent (Executive) District Opium Officer and now settled at Bhilwara).

.....Applicant

Mr. Vinay Jain, counsel for applicant.

Versus

1. Union of India through Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi.
2. The Narcotics Commissioner, Central Bureau of Narcotics, 19 Mal Road, Morar, Gwalior.

.....Respondents

Mr. B.L. Tiwari, counsel for respondents.

ORDER (Oral)

The case of the applicant in brief in the current OA is that he retired from the post of Superintendent (Executive) District Opium Officer on 30.04.2010. At the time of retirement, his retiral benefits were withheld and only provisional pension was sanctioned as disciplinary proceedings were pending against him. The applicant avers that though four years had lapsed after his superannuation (30.04.2010) yet disciplinary proceedings were initiated. After a period of four years, it has been decided to drop the charges against him. He submits that no formal order has been passed by

the competent authority as required under Rules 9 (2) (a) of the CCS (Pension) Rules 1972, as a result of which he has been deprived of his retiral benefits. The applicant submits that the Hon'ble Apex Court has held in catena of judgment that pension and retiral benefits are hard earned money of an employee and the same should be paid immediately. In his case, however, retiral benefits have been withheld for more than five years despite the fact that the charges levelled against him have been concluded in his favour. He submits that only a formal order under Rule 9 (2) (a) of the CCS (Pension) Rules 1972 is to be passed which has not been done leading to deprivation of his legitimate dues as well as being subjected to mental agony and humiliation. He has thus come before the Tribunal seeking the following reliefs:-

"(i) That by an appropriate order or direction respondent department be directed to pass appropriate order in respect of dropping of charges as required under Rule 9 (2) (a) of the CCS (Pension) Rule 1972 and release all his retiral benefits with 18% interest.

(ii) As applicant has been deprived of his retiral benefits, therefore, compensation to the tune of Rs.2,00,000/- be also awarded.

(iii) Any other direction, or orders may be passed in favour of the applicant, which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.

(iv). That the costs of this application may be awarded."

2. In the instant case, no reply has been filed by the respondents. Learned counsel for the respondents Shri B.L. Tiwari submits that he has sent the reply for vetting but no response is forthcoming from the respondent department.

3. Heard both the parties.

4. On going through the records available on file, it appears that the disciplinary proceedings initiated against the applicant under Rule 14 of CCS (CCA) Rules, 1965 have been ordered to be closed/ dropped. In his letter dated 08th January 2015, the Narcotics Commissioner vide his communication to the under Secretary (Ad.V), Ministry of Finance, Department of Revenue, Central Board of Excise & Customs has stated that: **"Further, it is to state that Shri Y.K. Chaturvedi, Supdt. has retired from Government service w.e.f. 30.04.2010, therefore, the case of disciplinary proceedings pending against the said retired officer issued vide above referred office memo dated 22.04.2010 is being forwarded to Ministry for taking action under Rule 9 of CCS (Pension) Rules alongwith the Disciplinary Authority's view & Service Particulars in prescribed proforma".** In the preceding para, the Narcotics Commissioner had stated that **"After going through the Inquiry Report, the relied upon documents and submissions made by the Charged Officer in his defence against the article of charge-III which are partially proved by the Inquiry officer, I found that there was no malafide intention of the charged officers in alleged delay in service of the appellate orders on the cultivations of village Dalot Tehsil Arnod, District Pratapgarh, because: (i) Shri Y.K. Chaturvedi, the then DOO, Pratapgarh also attended the request for uprooting of damaged opium poppy crop on 24/25.02.2009 and appeal orders were served to the cultivators on 25.02.2009 at their village. (ii) Shri F.A. Khan, Inspector in charge cultivation was on station leave on 21st to 23rd of Feb, being**

Sat. Sun. and Monday a Gazetted Holiday being Maha Shivratri. There doesn't appear to be any inordinate delay necessitating a charge sheet under Rule 14." Finally, he has recommended for dropping the charges framed against the applicant.

5. It was not pointed out by the counsel of the applicant or the respondents, that in response to the RTI application dated 22.09.2015 filed by the applicant, the CPIO Central Bureau of Narcotics at Gwalior on 08.10.2015, has informed the applicant that his **"case is pending for issuance of necessary orders under Rule 9 of CCS (Pension) Rules, 1972 by the competent authority"** (Annexure-A/7). Interestingly, on the same day, i.e. on 08.10.2015 itself, the CPIO/ under Secretary to Government of India in Ministry of Finance, Department of Revenue, New Delhi informed him that **"In this regard, it is stated that the said case, as per record available in the section has never been received in this section from NC, Gwalior. However, in another case in respect of allegation that while posted as District Opium Officer, Pratapgarh during Feb./March, 2009 on demand of Rs.1500/- from the cultivators of village Dalot, Tehsil Arnod, District Pratapgarh, (F.No.C-14012/31/2014- Ad.V) final order has since been issued vide Order No.72/2014 dated 27.10.2014 exonerating the disciplinary proceedings instituted against Shri Y.K. Chaturvedi vide charge memorandum dated 29.04.2010"** (Annexure-A/9).

6. The fact of dropping of charges against Shri Y.K. Chaturvedi, Superintendent in the disciplinary proceedings instituted against him, is also borne out by letter dated 31.10.2014 of Directorate General (Vig.) at Annexure-A/3.

7. The Revenue Department is therefore directed to ensure issuance of orders under Rule 9 of CCS (Pension) Rules, 1972 expeditiously (and in any case, not later than 3 months from the date of issue of this order) so that retiral benefits of the applicant are released to him- putting an end to his avoidable prolonged mental agony.

8. The OA is disposed of as stated above. No order as to costs.


[PRAVEEN MAHAJAN]
ADMINISTRATIVE MEMBER

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