

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ERNAKULAM BENCH**

**Original Application No. 565 of 2013**

**Friday, this the 21<sup>st</sup> day of July, 2017**

**CORAM:**

**Hon'ble Mr. U. Sarathchandran, Judicial Member**  
**Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member**

T. Cheriya Koya, S/o. Abdula Koya, aged 61 years,  
 Retired Deputy Collector (HQ), Kavarathy,  
 residing at Thekilapura House, Chetlat Island,  
 Lakshadweep, Pin – 682 554.

..... **Petitioner**

**(By Advocate : Mr. M.R. Hariraj)**

**V e r s u s**

1. The Union of India, represented by the Secretary to Govt. of India, Ministry of Home Affairs, New Delhi, Pin – 110 001.
2. The Administrator, Union Territory of Lakshadweep, Kavathy, Pin – 682 555.
3. Collector cum Development Commissioner, Kavarathi, Pin – 682 555.

..... **Respondents**

**[By Advocate : Mr. S. Manu (R2&3)]**

This application having been heard on 21.07.2017, the Tribunal on the same day delivered the following:

**ORDER (Oral)**

**Per Hon'ble Mr. U. Sarathchandran, Judicial Member -**

The applicant has approached this Tribunal, aggrieved by the non-disbursal of gratuity, commuted value of pension etc. due to him and also praying for regularising his monthly pension.



2. Respondents have not been not disbursing the aforesaid retiral benefits and have not been paying the regular pension to the applicant on the ground that disciplinary proceeding is still pending against the applicant. However, when the challenge against the disciplinary proceedings was finally dealt with by Hon'ble High Court in the judgment dated 13.6.2016 in OP (CAT) No. 1939 of 2013 the Hon'ble High Court held:

“23. In that view of the matter, we set aside Ext. P1 order dated 18.2.2013 of the Tribunal in OA No. 458/2012 and permit the petitioners herein to conclude the disciplinary proceedings initiated against the applicant pursuant to Annex.A1 memo of charges, within a period of three months from the date of receipt of a certified copy of this judgment. It is made clear that, if the petitioners herein fail to conclude the disciplinary proceedings initiated against the applicant within the time limit stipulated as above, the applicant will stand exonerated of all the charges levelled against him in Annex. A1 memo of charges.”

3. Now by efflux of time a deemed exoneration of the charges levelled against the applicant has come in to being and hence the disciplinary proceeding initiated against him also has undoubtedly come to a close. Therefore, what remains to be done by the respondents in this case is to pay regular pension to the applicant.

4. Shri Hariraj learned counsel for the applicant submitted that the applicant has received gratuity, Union Territory Government Employees Group Insurance Scheme (UTGEGIS ), cash equivalent of leave salary, etc.

5. In the above circumstances, we direct the respondents to work out the amount of regular pension payable to the applicant and to pay the commuted value of pension due to him as per rules. The above exercise shall be completed by the respondents within one month from the date of



receipt of a copy of this order.

6. The Original Application is disposed of as above. No order as to costs.

  
(E.K. BHARAT BHUSHAN)  
ADMINISTRATIVE MEMBER

  
(U. SARATHCHANDRAN)  
JUDICIAL MEMBER

“SA”