

Central Administrative Tribunal, Lucknow Bench,

Lucknow

Original Application No. 61/2009

This the 19th day of February, 2010

Hon'ble Dr. A.K. Mishra, Member(A)

Sukumar Chaudhari, Aged about 61 years, S/o late Sri Prafulla Chandra Deb, R/o 3/253 Viram Khand, Gomti Nagar, Lucknow.

.....Applicant

By Advocate: Sri Akilesh Singh for Sri Arvind Kumar

Versus

1. Union of India through Secretary, Department of Telecommunication, Government of India, Sanchar Bhawan, 20-Ashok Bhawan, New Delhi.
2. Senior DDG (Vigilance), Department of Telecommunication, Government of India, Sanchar Bhawan, 20, Ashok Bhawan, New Delhi.
3. Chief General Manager, U.P. East Telecommunication, Bharat Sanchar Nigam Ltd; Hazratganj, Lucknow.
4. General Manager (Administration), U.P. East Bharat Sanchar Nigam Ltd; Hazratganj, Lucknow.

.....Respondents

By Advocate: Sri K.K. Shukla & Sri G.S. Sikarwar

ORDER

Heard the learned counsel for the parties.

2. The learned counsel for the applicant submits that the applicant retired on 31.7.2007 from the services of BSNL, but his gratuity and other retiral dues were withheld on account of the fact that a criminal case was pending against him before CBI Special Court, Bhopal. The applicant was acquitted of the criminal charges vide judgment and order dated 13.2.2008. Thereafter, he filed a representation on



25.3.2008 (Annexure-3 to this application) before the competent authority to release the withheld retiral dues, but no decision has been taken on his representation sofar.

3. The learned counsel for the respondents no. 3 & 4 submits that a letter was issued on behalf of respondents no. 1 and 2 that the vigilance clearance certificate in respect of the applicant had not yet been received. The applicant was also kept informed about this position and in absence of vigilance clearance certificate, it was not possible for the respondent nos. 3 and 4to release the withheld retiral dues.

4. The learned counsel for the respondents no. 1 and 2 submits that a criminal appeal bearing no. 8389 of 2008 has been filed by the CBI on 25.8.2008 before Madhya Pradesh High Court at Jabalpur challenging the acquittal order of 13.2.2008. The same position had been taken by the learned counsel at the time of hearing of this application on 9.10.2009 and 4.12.2009. He was specifically asked to let the Tribunal know whether the High Court had taken cognizance of the criminal appeal and whether notices had been issued to the applicant, but in spite of granting sufficient time, he is not in a position to throw any light on the present status of the criminal appeal filed by the CBI before the High Court at Jabalpur.

5. The position, as it emerges, is that the applicant has been acquitted of criminal charge brought against him, and the respondents could not satisfy this Tribunal whether the criminal appeal filed against him had been taken cognizance of by the appellate court, and whether stay of the acquittal order had been granted, or not.

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6. In the circumstances, I find that this application can be disposed of with a direction to all the respondents to take appropriate steps for disposal of his pending representation for release of withheld retiral dues in a speaking and reasoned order according to rules within a period of three months. During this period, the respondents no. 1 & 2 must specifically intimate to respondents no. 3 & 4 about vigilance clearance in the event no cognizance has been taken by the High Court in the criminal appeal and the other respondents will take appropriate follow up steps for release of retiral dues if no cognizance of the criminal appeal has been taken.

7. This O.A. is disposed of in terms of the above directions. No costs.



(Dr. A.K. Mishra)
Member-A

Girish/-