

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW, BENCH LUCKNOW**

ORIGINAL APPLICATION No: 141/2011

This, the 6th day of April, 2011.

HON'BLE SHRI D. C. LAKHA, MEMBER (ADMINISTRATIVE)

R. S. L. Srivastava
Aged about 74 years
S/o Late Sri S.S.Lal
R/o C-56, Mandir Park Road,
Mahanagar Extension
Lucknow.

Applicant

Versus

By Advocate Shri A. Moin.

1. Union of India through Secretary,
Department of Science and Technology,
New Delhi.
2. Council for Scientific and Industrial Research,
Anusandhan Bhawan,
Rafi Marg,
New Delhi through Director General.
3. President,
Council for Scientific and Industrial Research,
Anusandhan Bhawan,
Rafi Marg,
New Delhi.
4. Vice President,
Council for Scientific and Industrial Research,
Anusandhan Bhawan,
Rafi Marg,
New Delhi.
5. Director,
CDRI,
Chhatarmanzil,
Lucknow.

Respondents

By Advocate Shri Rajendra Singh for Shri A. K. Chaturvedi.

ORDER (ORAL)

By Shri D. C. Lakha, Member-A

The relief sought in this O.A. are as under:-

- (i) To quash the impugned order dated 10.3.2010 passed by the President, CSIR, as contained in Annexure A-1 to the O.A.

- (ii) To direct the respondents to pay interest at Market Rate or any other rate as may be awarded by this Hon'ble Court on the withheld amount of gratuity and leave encashment of Rs. 77840/- with effect from the date of retirement i.e. 31.1.1995 till the date of actual payment i.e. 26.6.2006 and interest on the withheld amount of Rs. 59280/- w.e.f. the date of retirement i.e. 31.1.1995 till the date of actual payment i.e. 9.11.10 and further interest pendentilite.
- (iii) To direct the respondents to pay the cost of this application.
- (iv) Any other order which this Hon'ble Tribunal deems just and proper in the circumstances of the case be also passed.

2. It is seen from the record that the impugned order does not impose any pecuniary punishment on the applicant. Rather, taking a modest view the order conveys the displeasure of the counsel. With respect to para 2 of the O.A., the learned counsel for the applicant has stated that entire dues of the applicant were withheld even though, in the disciplinary proceedings against him, there was no penalty. But subsequently, an amount of Rs. 1,37,170/- was withheld by the respondents while other dues were released on 3.6.1996. In relief No. (ii), a direction has been sought for the payment of withheld amount of gratuity and leave encashment of Rs. 77,840/- only w.e.f. the date of retirement i.e. 31.1.1995 till the date of actual payment i.e. 26.6.2006 and interest on the withheld amount of Rs. 59,280/- only w.e.f. the date of retirement i.e. 31.1.1995 till the date of actual payment i.e. 9.11.2010 and further interest pendentilite. The applicant's counsel has also placed reliance on Government of India circular dated 22.1.1991 with respect of Rule 68 on authorization of pension and gratuity. It seems that no request has so far been made by the applicant for various payments including interest as sought in relief No. (ii) in this O.A. At this juncture, the applicant's counsel has requested that the applicant may be allowed to put up his detailed representation along with the copy of this O.A. to the respondents to consider his case for these payments in view of the earlier

order of Hon'ble Central Administrative Tribunal dated 20.9.2005 passed in O.A. No. 167/2002. There is no objection from the respondents' counsel present.

3. It is apparent from the documents and the statement of the learned counsel for the applicant that the relief No. (ii) may be obtained by putting up a representation to the respondent No. 2 which has not been done so far. The same may be preferred within 10 days along with the copy of the O.A. That being so, the respondent No. 2 is directed to look into this matter and dispose of the same by passing a reasoned and speaking order within a period of 2 months from the date a certified copy of the order is received by respondent No. 2.

4. With the above direction, the O.A. stands disposed of at admission stage. No order as to costs.



(D. C. Lakha)
Member (A)