

**Central Administrative Tribunal
Lucknow Bench Lucknow**

Original Application No.137/2008
This, the 16th day of September 2008

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

Bulaki Lal, aged about 67 years son of Kandhai resident of Village Uttru Khurd, P.O. Nauperava (Near-Buxa-Jaunpur) Retired as Comml. Superintendent Grade-I from N.E. Ry. at Mankapur Faizabad, (Group- C).

...Applicant.

By Advocate:- Shri A.P. Singh.

Versus.

1. Union of India through the General Manager, N.E. Ry. Gorakhpur.
2. Divisional Rail Manager, NE Railway Division, Ashok Marg, Lucknow.
3. Divisional Personal Manager, NE Railway Division, Ashok Marg, Lucknow.
4. Divisional Commercial Manager, NE Railway Division, Ashok Marg, Lucknow.
5. Deputy Chief Vigilance Officer (T), NE Railway, Gorakhpur.

... Respondents.

By Advocate:- Shri Umesh Srivastava for Shri M.K. Singh.

ORDER

BY MR. M. KANTHAIAH, MEMBER (J)

The applicant filed this OA with a prayer to issue direction to the respondents for payment of pension and arrears thereon and also for payment of other retiral benefits alongwith interest thereon.

2. The respondent have filed objections/Counter affidavit, stating that the applicant is not entitled for any of the reliefs as claimed by him.

3. Heard both sides.

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4. The point for consideration is whether the applicant is entitled for the relief as prayed for.

5. The admitted facts of the case are that the applicant was shown as one of the offender in a forged ticket scam, upon which, a FIR was lodged against him and he was sent to judicial custody and thus kept him under suspension during 09.06.1994 to 19.05.1998 and thereafter retired on attaining the age of superannuation. It is not the case of the applicant that the said Criminal case was finalized.

6. It is the case of the respondents that as per the provisions of contained in Railway Service Pension Rules, 1993, that a person against whom disciplinary / judicial proceedings are pending shall not been given final pension and he shall also not be paid gratuity till conclusion of such proceedings in his favour. Admittedly, the applicant is receiving provisional pension. Applicant counsel also submits that he is also not pressing his relief no.8.1 and restricted his claim for other reliefs i.e. in respect of gratuity and other retiral benefits.

7. As per Rule-10 of Railway Service Pension Rules, 1993, that a person against whom disciplinary / judicial proceedings are pending shall not be given final pension and he shall also not be paid gratuity till conclusion of such proceedings and in such circumstances, the claim of the applicant for release of gratuity amount is also not at all maintainable and thus, there are no merits in the claim of the applicant.

In the result, OA is dismissed. No costs.


(M. KANTHAIAH)
MEMBER (J)

16-09-08

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