

Central Administrative Tribunal, Lucknow Bench, Lucknow

ORIGINAL APPLICATION No.342/2008

This the 08th day of November, 2010

Hon'ble Shri Justice Alok Kumar Singh, Member (J)

Hardayal aged about 60 year's son of late Ram Charan Resident of village Bijgawan (Chhota) District Hardoi.

.....Applicant.

By Advocate: None.

Versus.

1. Union of India through Secretary Ministry of Railway, Railway Board Govt. of India, New Delhi.
2. The General Manager, Northern Railway, Baroda House, New Delhi.
3. The Divisional Railway Manager, Northern Railway, Moradabad Division, Moradabad.

.....Respondents.

By Advocate: Sri S. Verma.

ORDER (Dictated in Open Court)

Hon'ble Shri Justice Alok Kumar Singh, Member (J)

List is revised. Nobody is responding from the applicant. Shri S. Verma, learned counsel for respondents is present.

2. Heard the learned counsel for respondents and perused the material on record.
3. The applicant was allowed to retire w.e.f. 30.06.2005. After his voluntary retirement a charge sheet dated 22.2.2008 was served upon him under the orders of President of India.
4. This OA has been filed seeking direction to the respondents to make payment of gratuity and other benefits alongwith 9% per annum interest for delayed payment from the date of his voluntary retirement i.e. 30.06.2005. Simultaneously, an interim relief was

Ans

sought for provisional pension. In this regard, this Tribunal vide its order dated 05.12.2008, directed the Respondent No.3 to finalize the provisional pension under Rule-9 (3) of Railway Services (Pension) Rules 1993. In compliance of the aforesaid orders a provisional pension @ Rs.9714/- per month w.e.f. 1.07.2005 has been sanctioned by the respondents vide PPO No.0105080410 dated 3.2.2009 (Annexure-C-1).

5. But, as far as regular pension and other retiral benefits are concerned, it is contended that a major penalty charge sheet has already been served upon the applicant in accordance with the relevant rules and therefore only on conclusion of the said inquiry the decision would be taken for payment of gratuity and leave encashment. The Cheque of Provident Fund has already been paid to the applicant as mentioned in the OA itself. The provisional pension is being regularly paid.

6. It appears that in view of the aforesaid facts and circumstances, the applicant has lost any interest in this case. Because of pendency of departmental inquiry the other retiral benefits would be subject to final out come of the inquiry.

7. In view of this OA deserves to be and is accordingly dismissed. No order as to costs.


(Justice Alok Kumar Singh)
Member (J)