

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:823/94
DATED THE 21ST DAY OF JULY,2000

CORAM:HON.SHRI A.V.HARIDASAN, VICE CHAIRMAN
HON.SHRI GOVINDAN.S.TAMPI, MEMBER(A)

Narendrakumar
residing at MES Building,
P-37/2, Datta Mandir Road,
Malad (East),
Bombay - 400 097.

... Applicant.

By Advocate Namrata B Naik for
Shri M.P.Vashi

v/s.

1. Union of India, New Delhi
(Through the Secretary to the
Government of India,
Ministry of Defence (Civil),
New Delhi.
2. Major General N.R.Khanna,
Chief Engineer,
Southern Command Headquarters
(Dakshin Kaman Mukhyalaya),
Engineer Branch, Pune - 411 001.
3. Maj.G.S.Grewal, Commander Works
Engineers,24, Assaye Building,
Colaba, Bombay - 400 005.

... Respondents


By Advocate Shri R.K.Shetty

O R D E R O R A L

Per Shri A.V.Haridasan, Vice Chairman.

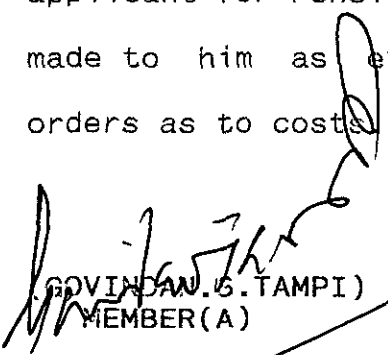
This is an application seeking direction against order dated 30/4/94 issued by second respondent by which a penalty of Compulsory Retirement was imposed on the applicant. The Impugned order is challenged on various grounds including that the applicant has not been given a reasonable opportunity to participate in the enquiry. The respondents have filed detailed reply statment opposing the application.

...2.



2. After advancing arguments for quite some time, the Learned Counsel for Applicant sought permission to withdraw the application. However, it is stated on behalf of the applicant who is present in person that though the order of Compulsory retirement was issued on 30/4/94, the applicant has not yet been given pensionary benefits and that the respondents may be directed to give to the applicant all the pensionary benefits due to him. Learned counsel for the respondents submitted that the pensionary claims of the applicant could not be settled so far as the applicant did not appear before the Competent Authority and produce all the necessary pension papers and that if the applicant submits the pension papers complete in all respects, the claim would be settled and payments be issued without any delay. The Counsel for other side agrees to the same and states that the case may be disposed of with proper directions in that regard.

3. In the result, the application is allowed to be withdrawn but the respondents are directed that if the applicant will appear before proper authority and produce the necessary pension papers signed and completed in all respects, the claim of the applicant for Pensionary benefits shall be settled and payment made to him as expeditiously as possible. There will be no orders as to costs.


GOVINDAN S. TAMPI)
MEMBER(A)


(A.Y. HARIDASAN)
VICE CHAIRMAN