

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.
CAMP AT NAGPUR

ORIGINAL APPLICATION NO.1418/1995.

Friday, this the 16th day of June, 2000.

Coram: Hon'ble Shri B.N.Bahadur, Member (A)

B.B.Singh,
House No.137,
Deepaknagar,
Post Mohannagar,
Dist. Durg (M.P.) - 491 001.
(By Advocate - None)

...Applicant.

Vs.

1. Union of India through its
General Manager,
South - Eastern Railway,
Garden Reach,
Calcutta.
2. Divisional Railway Manager,
South - Eastern Railway,
Nagpur,
Kingsway,
Nagpur.
(By Advocate Shri P.N.Chandurkar)

...Respondents.

: O R D E R (ORAL) :

{Per Shri B.N.Bahadur, Member (A)}

Shri P.N.Chandurkar, Counsel appears on behalf of the respondents. Neither applicant, nor his learned counsel is present. In the first instance, I have perused the Roznama carefully and find that on earlier dates viz. 9.6.2000 and 11.2.2000, none appeared on behalf of the applicant. Only on 15.10.1999, there is an endorsement to the effect that parties are present. I also find that notices have been issued to the parties concerned on 3rd August, 1999 as per orders on Roznama dt. 14.6.1999.

...2.

Bns

2. Under these circumstances, I proceed to decide this case on merits, since none is present for the applicant, despite notice and opportunity.

3. The applicant has prayed in this O.A. for a direction to Respondents to pay his pension, commutation of pension, leave salary and other retirement benefits with interest at the rate of 18% p.a. His contention is that, though he had been permitted to retire voluntarily w.e.f. 10.5.1995 vide orders of Respondents dt. 22.3.1995 (A - 2), his retirement benefits have not been paid. This is the crux of the averments and prayers. In the reply filed by the respondents, and to which reply their learned counsels to day draws attention and seeks support from, it has been stated that the permission for voluntary retirement was accorded, but it was discovered later that there had been an earlier Cr. Case No.826/94 pending before Special Railway Magistrate, Raipur against the applicant. This was not noticed while sanctioning voluntary retirement. Under normal rules permission of General Manager should have been taken and hence under these circumstances the payment of retiral dues were withheld.

4. The written statement of the respondents goes on to state that the applicant was acquitted by the Magistrate in April, 1996. Thereafter, the case for settlement of his dues was processed and the orders in this regard were issued on 22.7.1996 (R-2). Through these orders, the Bank was directed to make payment of DCRG, Pension, Family Pension etc. The learned counsel for the respondents states that the relief sought by the applicant in the present OA has been provided to him through this order.

...3.



5. The facts of this case are simple, ^{is} in that, ~~that~~ the respondents' plea ^{is} that withholding of retirement dues was done in view of the fact of pendency of criminal case against applicant and that this fact was discovered subsequently. We find that the reasons advanced are logical and that the Rules themselves allow withholding of retirement benefits on pendency of criminal case etc. It is true that this fact should have been known earlier, but it appears to be a genuine mistake and no mala fides are evident from ~~the~~ record before the Tribunal. Unfortunately, the applicant has not appeared before the Tribunal, subsequently, despite adequate time having been granted.

6. Be that as it may, we find now that payment of dues have been ordered vide Respondents order dt. 22.7.1996 addressed by FA & CAO (Pension), South-Eastern Railway, Calcutta to the State Bank of India, Main Branch. Durg (M.P.). It will need to be presumed in the facts and circumstances prescribed that further payments are being made as per normal procedures by the Bank. No contention is before me to the contrary. Under the circumstances, nothing remains in this case since the relief sought is provided. The application will therefore have to be dismissed as infructuous and is hereby dismissed as such. A copy of this order may be sent by Registered Post to the applicant to his known address. The case is disposed of accordingly, with no orders as to costs.



(B.N. BAHADUR)
MEMBER (A)

B.