

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 361/97

Date of Decision: 29.9.97

Shri S.K. Banerjee

Applicant.

Shri Suresh Kumar.

Advocate for
Applicant.

Versus

Union of India and others.

Respondent(s)

Shri V.S. Masurkar:

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman.

Hon'ble Shri P.P. Srivastava, Member (A)

- (1) To be referred to the Reporter or not? *W*
- (2) Whether it needs to be circulated to *W* other Benches of the Tribunal?

Replied
(R.G. Vaidyanatha)
Vice Chairman.

NS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, MUMBAI:1

Original Application No. 361/97

Monday the 29th day of September 1997.

CORAM: Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman
Hon'ble Shri P.P. Srivastava, Member (A)

S.K. Banerjee
Ex. Manager,
R/at B/36, Sanchar
V.S. Road, Mumbai. ... Applicant.

By Advocate Shri Suresh Kumar.

V/s.

Union of India through
Secretary, Ministry of
Telecom Comm. New Delhi.

Chairman, Telecom Commission,
New Delhi.

Chief General Manager,
Telecom Factory, Deonar,
Mumbai.

Shri A.K. Pradhan
Chief General Manager,
Telecom Factory,
Deonar, Mumbai. ... Respondents.

By Advocate Shri V.S. Masurkar..

O R D E R (ORAL)

(Per Shri Justice R.G. Vaidyanatha, Vice Chairman)

This is an application under Section
19 of the Administrative Tribunals Act. The learned
counsel for the respondents opposes the application.

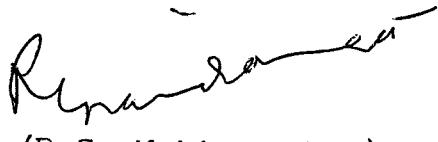
Heard both the sides.

The applicant was placed under suspension on the eve of his retirement. Two days later he has been retired. The applicant's main grievance is that though he has been paid provisional pension, the Gratuity amount has been withheld. In our view, the Rules provides withholding of Pension or Gratuity or both. Hence this cannot be held that withholding of gratuity is illegal. We are told that the respondents ~~hmv~~ has initiated enquiry proceedings against the applicant and the matter has been referred to Central Vigilance Commission. During the enquiry proceedings, if Charge sheet is issued, the applicant can make a representation to the Administration for payment of Gratuity or other reliefs. It is open to the competent authority to consider the same and pass appropriate orders according to Rules.

In our view it is not a fit case for our interference at this stage. Since the applicant has already retired the respondents may expedite the enquiry proceedings.

With the above observation the O.A. is disposed of at the admission stage. No order as to costs.


(P.P. Srivastava)
Member (A)


(R.G. Vaidyanatha.)
Vice Chairman