

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 04.10.94.

OA 917/92

CHET RAM PREMI

... APPLICANT.

V/s.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

HON'BLE MR. N.K. VERMA, MEMBER (A).

For the Applicant ... SHRI R.N. MATHUR.

For the Respondents ... SHRI MANISH BHANDARI.

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

Heard the learned counsel for the parties. The applicant submitted an application for voluntary retirement on 21.2.91. Three months notice period was to expire on 21.5.91. Mr. Bhandari submits that the charge-sheet was ready for service on 17.5.91. However, it was offered on 21.5.91 but the applicant refused to accept the same. Thereafter, it was sent through registered post.

2. It will not be out of place here to mention that the respondents have the right to withdraw the sanction accorded for voluntary retirement just after the preparation of the charge-sheet on 17.5.91. However, they failed to do so.

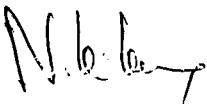
3. The pension papers were prepared and from the perusal of Annexure A-2 (PPO No.WR/21416/315372/3097) it is clear that the emoluments for the Retirement Gratuity and Death Gratuity were allowed to the applicant and the payments were arranged by the Railway. However, this amount has been withheld by the respondents on the ground that the charge-sheet is pending.

4. What will be the effect of the charge-sheet, is a matter which needs a separate decision. The respondents could not show any rule by which they have a power to withhold the payment of items referred at Sl.No.12 of the PPO regarding amount of retirement gratuity/death gratuity.

5. We accept this part of the petition and direct that the payment should be released immediately and the respondents should also pay the interest on account of the delayed payment to the applicant @ 12% per annum on this amount.

6. As far as the question of commutation of pension is concerned, the applicant shall file a separate petition according to law. However, he will have to challenge the charge-sheet so issued before filing the application. The applicant shall not be entitled to file a fresh OA about this part of the relief before quashing of the charge-sheet. We will not like to enter into the controversy on this part at this stage. Mr. Bhandari objects that this part of the relief cannot be deferred. We reject his submission.

7. The OA stands disposed of accordingly, with no order as to costs.


(N.K. VERMA)
MEMBER (A)


(D.L. MEHTA)
VICE CHAIRMAN