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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION No. 1388 of 1995.
DATE OF DECISION : 23-07-96.

G. Ratnaiah

.. Applicant.

Vs

1. The Chairman,
Telecom Commission,
New Delhi.

2. The Union of India,
Rep.by the Secretary to the
Department of Telecommunication,
New Delhi.

3. The Chief General Manager,
Gujarat Circle, Hyderabad

.. Respondents.

Counsel for the Applicant : Mr.K.Venkateswara Rao

Counsel for the Respondents : Miss Shyama for
Mr.K.Ramulu, Addl.CGSC.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

ORDER

Oral Order (Per Hon'ble SHRI R. RANGARAJAN :MEMBER (ADMN.)

Heard Mr.K.Venkateswara Rao, learned counsel for the applicant and Miss Shyama for Mr.K.Ramulu, learned counsel for the respondents.

2. The applicant in this OA is a retired Chief Accounts Officer in the Department of Telecommunication. While in service he was issued proceedings Rc.No.D3/10248/90 dated 10-02-91 cancelling the social status certificates issued by the Tahsildar Ongole dated 31-11-80 and the Sub-Collector



dated 03-02-87. That social status which was cancelled as above is challenged in the High Court of A.P by filing W.P.No.16099/91 and the same is pending in the said forum. A chargesheet was issued bearing No.8-68/94-Vig.II dated 3-4-95 by the Ministry of Communication charging him for falsely claiming that he belonged to Beda Jangam which is a SC and produced false certificate and secured promotion to the grade of Asst.Chief Accounts Officer/Chief Accounts Officer and thus committed grave misconduct and failed to maintain absolute integrity and acted in a manner un-becoming of a Government servant. The applicant retired on 31-7-95. After issual of the chargesheet dt. 3-4-95, it is stated that the applicant had given his explanation and the enquiry has started in this connection.

3. When he retired he was given only the provisional pension and his other final settlement dues such as DCRG, Leave encashment and Commutation were not paid to him in view of the pending charge sheet.

4. This OA is filed for payment of the DCRG, Leave encashment and Commutation with interest at the rate of 18% per annum from 1-8-95.

5. This OA is filed on 9-1-95. Notice was issued on 17-11-95. A direction was given on 23-4-96 to pay him the leave salary as that was not paid. Another chance was given to pay him the leave salary by end of May 1996 by the order of this Tribunal dt. 7-5-96. Even that direction was not obeyed. However when the case came up for further direction today it was admitted by the learned counsel for the applicant that the leave encashment salary has already been paid. Thus, the only payment which remains to be paid is DCRG and Commutation.

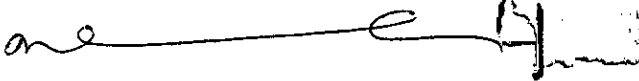
6. The applicant is given only a provisional pension. As per the CCS (Pension) Rules a retired employee is entitled for DCRG and commutation only after the final pension is ordered. As the applicant has been given only the provisional pension he cannot at this stage ask for payment of DCRG and

commutation without his provisional pension made final. Though the learned counsel for the applicant submits that the DCRG and commutation can be paid in view of some judgement I do not think it proper to give any direction at the present juncture when the pension is not made final. The impediment for paying him the DCRG and Commutation is because of the fact that a chargesheet issued earlier to his retirement is pending. Making the provisional pension final and thereafter payment of DCRG and Commutation depends on the out come of the chargesheet issued to him. As it is stated that the enquiry had already been started it may be possible that the enquiry can be completed and a final decision is taken by the disciplinary authority within a short period. Under the present circumstances the only direction ^{that} can be given is to expedite the finalisation of enquiry and the disciplinary authority to take a final decision in this connection. Thereafter the case of the applicant for payment of DCRG and Commutation has to be decided on the basis of the finalisation of the chargesheet proceedings.

7. In the result, the following direction is given:-

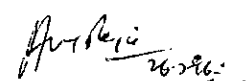
The pending chargesheet dt. 3-4-95 should be finalised expeditiously preferably within six months from the date of receipt of a copy of this order. The disciplinary authority ^{should} ~~to~~ take a final decision in regard to the payment of DCRG and Commutation to the applicant on the basis of the final decision taken ^{on} ~~and~~ the enquiry proceedings. It is needless to say that in case if the applicant is going to be aggrieved by the decision to be taken by the disciplinary authority in regard to finalisation of his payment of DCRG and Commutation he is free to approach this Tribunal by filing a fresh OA under Section 19 of the A.T.Act, 1985.

8. The OA is ordered accordingly. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 23rd July 1996.
Dictated in the Open Court

SPR


Dy. Registrar (3)
Cm. R.

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O.A.1388/95.

Copy to:-

1. The Chairman, Telecom Commission, New Delhi.
2. The Secretary to Department of Telecommunications, Union of India, New Delhi.
3. The Chief General Manager, Gujarat Circle, Hyd.
4. One copy to Sri. K.Venkateswara Rao, advocate, CAT, Hyd.
5. One copy to Sri. K.Ramulu, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

20/8/96

1388/45

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COMPARED BY

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED:

23/7/01

ORDER/JUDGEMENT

G.A. NO. / R.A. / C.P. No.

G.A. NO.

in

1388/45

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

No spare copy

