

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIFUR BENCH,

J A I P U R.

O.A. No. 1/94

Date of decision: 16.12.94

MANNA LAL

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. P.V. Calla : Counsel for the applicant.

Mr. S.S. Hasan : Counsel for the respondents.

CORAM :

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Ms. Usha Sen, Administrative Member

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

This case has a chequered history. The applicant was charge-sheeted on 29.10.84 and direction were issued for his compulsory retirement by way of penalty on 15/16.5.88. The applicant moved an O.A. before this Tribunal and this Tribunal considering the submissions made including the submissions relating to the non-supply of the copy of the Inquiry Report, quashed the order of compulsory retirement vide Judgment dated 24.4.91. The copy of the said Inquiry Report was supplied to the applicant on 20.8.91. The applicant submitted the written reply immediately on 5.9.91. The applicant preferred an appeal against the said order dated 9.12.91 (Annexure A-15) which was upheld by the Appellate Authority vide order dated 16.4.92. The applicant submitted the Revision Petition and the Revision Petition was partly accepted and the order of compulsory retirement was quashed and the penalty of reduction by two stages in the same grade till retirement was passed. The applicant was taken on duty and he retired on 30.6.93. Now the dispute is on the following points:-

(i) whether the applicant is entitled for the salary of intervening period between 15/16.5.88 and 6.1.93, [REDACTED]

(b)

(ii) The second controversy is about the qualifying service and the notional benefits which the applicant is entitled to get.

2. We have heard the learned counsel for the parties. As far as the first point, i.e., the salary of the period 16.5.88 to 6.1.93 is concerned, we will like to make it clear that the order of compulsory retirement has been set aside and the respondents should consider the question of the payment of the salary of that period according to law and should pass a speaking order on this point taking into consideration the subsequent events including the quashing of the order of compulsory retirement on merits by the Revisionary Authority.

3. The whole period from 1988 to 1993 should be considered as a qualifying period for the purpose of pension. The applicant's pension should be re-fixed.

4. In the result, the O.A. is partly accepted. The order of Revisionary Authority is modified accordingly. The applicant will be entitled to get the complete period calculated as qualifying service and will get all retiral benefits. The retiral benefits should be decided within a period of 4 months from the date of the receipt of this order. If the pensionary benefits are not paid within six months, the applicant shall be entitled to get the interest at the rate of 12% per annum on the amount unpaid.

5. The O.A. is disposed of accordingly, with no order as to costs.

Usha Sen
(USHA SEN)
Administrative Member

D.L. Mehta
(D.L. MEHTA)
Vice-Chairman