

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 8th day of July, 2008

ORIGINAL APPLICATION No.07/2007
With Misc. Application No.12/2007

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)
HON'BLE MR. B.L.KHATRI, MEMBER (ADMINISTRATIVE)

Ugam Singh
s/o Shri Lal Singh
r/o Village Badalia,
post Badalia via Shri Nagar,
Ajmer, presently retd. as P.A.L.S.G.
from Ajmer Post Office, Ajmer,

... Applicant

(By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India,
through the Secretary to the Govt. of India,
Department of Posts,
Ministry of Communication,
Dak-Bhawan,
Sansad Marg,
New Delhi.
2. Principal Chief Post Master General, Rajasthan
Circle, Jaipur
3. Post Master General, Ajmer Region, Ajmer.
4. Senior Superintendent Post Office, Ajmer
Dn.Ajmer.

... Respondent

(By Advocate: Mr. V.S.Gurjar)

O R D E R (ORAL)

The applicant has filed this OA thereby praying for the following relief:-

"8.1 That by a suitable writ/order of the direction the respondents be directed to release the retiral benefits-

- (a) Regularisation of Pension
- (b) Payment of Gratuity.
- (c) Payment of commutation
- (d) And any other retiral benefits.

8.2 That 12% interest be allowed on the delay retiral payment to the applicant with a reasonable cost for filing the O.A. for redressal.

8.3 Any other relief which deems fit to the hon'ble bench."

2. Notice of this application was given to the respondents. The respondents have filed reply. In the reply the respondents have stated that no doubt, the applicant superannuated on 30.4.2002 but he was issued chargesheet under Rule 14 of the CCS (CCA) Rules, 1965. It is further stated that in addition to the departmental proceedings, judicial proceedings were also pending in the Court of ACJM Court III, Ajmer in view of the case bearing No.2381/2000, as such, pensionary benefits of the applicant could not be settled. It is further stated that in the disciplinary proceedings, the competent authority has awarded penalty of 10% reduction of pension vide order dated 22.7.2005. Since judicial proceedings are pending against the applicant, as such, pensionary benefits

i.e. DCRG, Commutation value and Leave Encashment could not be settled as per provisions of Rule 69 of CCS (Pension) Rules, 1972.

3. We have heard the learned counsel for the parties.

4. The learned counsel for the applicant has drawn our attention towards the certified copy of the judgment dated 26.4.2008 passed in Criminal Case No.2391/2000 whereby the applicant has been acquitted of the offences under Section 420, 467, 468, 471, 120-B of IPC.

5. In view of this subsequent development, we are of the view that the present OA has become infructuous. The applicant is directed to submit photocopy of the judgment in the criminal case alongwith copy of this order to the appropriate authority for taking follow up action, in case the certified/attested copy of the judgment has not already been made available to the appropriate authority and the respondents are directed to proceed in the matter within a period of two months from today.

6. With these observations, the OA stands disposed of with no order as to costs. In case the applicant is

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still aggrieved, he is at liberty to approach this Tribunal by filing substantive OA.

7. In view of disposal of the OA, no order is required to be passed in MA No.12/2007, which is accordingly disposed of.


(B.L.KHATRI)

Admv. Member


(M.L.CHAUHAN)

Judl.Member

R/