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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

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Date of order: 18-3-1996

OA No. 119/95

Mohd. Ishaq Khan .. Applicant

Versus

Union of India and others .. Respondents

Mr. W.Wales, Counsel for the applicant
Mr. T.P.Sharma, Counsel for the respondents

CORAM:

HON'BLE MR. O.P.SHARMA, ADMINISTRATIVE MEMBER

HON'BLE MR. RATTAN PRAKASH, JUDICIAL MEMBER

ORDER

PER HON'BLE MR. O.P.SHARMA, ADMINISTRATIVE MEMBER

In this application under Section 19 of the Administrative Tribunals Act, 1985, Shri Mohd. Ishaq Khan has made the following prayers:

"1. Quash and set aside the impugned suspension order dated 27-12-93 (Annexure A/1), which suffers from legal infirmity.

2. Quash and set aside the Memo of Charge Sheet dated Nil, Dec'93 (Annexure A/2) as it now loses its application and importance in view of inordinate delay of over 14 months in finalising the inquiry.

3. Direct the Respondents to treat the intervening period of absence from the date of his compulsory retirement to the date of his reinstatement as period spent on duty, with full pay and allowances with consequential benefits (as the applicant's compulsory retirement was wholly unjustified).

4. Direct the respondents to settle the following retirement benefits as under:-

i) Payment towards Gratuity, Provident Fund, Insurance with further accrual to these

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accounts on the date of the applicant's superannuation; without charging any interest on these.

ii) Payment of encashment of leave on Average Pay as due, as also Transfer Grant; Packing Allowance etc. etc.

iii) Payment or regular pension with effect from 1-1-94 with arrears less amount of Rs. 26427/- to be adjusted which was paid to the applicant at the time of his compulsory retirement without liable to pay any interest charges,

iv) Payment of Commutation of Pension as per rules.

v) Salary for the month of December, 1993."

2. We have heard the learned counsel for the parties and have perused the records.

3. No reply has been filed so far. However, the learned counsel for the respondents states at Bar that all the payments due to the applicant has been made. The learned counsel for the applicant, however, states that the period from the date of his compulsory retirement to the date of rejoining duty has not been regularised and payment therefor has not been made to the applicant. He, however, states that he would verify the actual position. For the present, he does not press this application in view of what has been stated by the learned counsel for the respondents.

4. In the circumstances, permission to withdraw this application is granted with liberty to file a fresh application with regard to his grievances, if necessary.

(Rattan Prakash)
Judicial Member

(O.P.Sharma)
Administrative Member