

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00723/2016

DATE OF ORDER: 27.09.2016

CORAM

HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

Radha Ballabh Sharma S/o Shri Durga Lal Sharma, aged about 54 years, R/o A-21, New Light Colony, Tonk Road, Jaipur, presently retired from PGMTD, Jaipur, FRSSDE, Sanganeri Gate, Jaipur.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Communication, Department of Telecom, Sanchar Bhawan, New Delhi.
2. The Chairman and Managing Director, Bharat Sanchar Nigam Ltd., Bharat Sanchar Bhawan, New Delhi.
3. Chief General Manager, Bharat Sanchar Nigam Ltd., Jaipur.
4. Principal General Manager, Bharat Sanchar Nigam Ltd., Jaipur Telecom District, Jaipur.

....Respondents

ORDER

The matter relates to grant of pension / pensionary benefits after passing of penalty of compulsory retirement from service.

2. Heard. Counsel for the applicant submits that a penalty of compulsory retirement was imposed on the applicant vide order dated 30th March, 2016 (enclosed with Annexure A/2 dated 05.05.2016) and in pursuance of that order he was compulsorily retired from service w.e.f. 25.05.2016 (F/N) and struck off from this SSA employee list vide order dated 31.05.2016 (as annexed with Annexure A/2). Counsel for applicant then referred to Rule 40 of CCS (Pension) Rules, 1972 wherein Rule 40(1) provides as under: -

“40(1). A Government servant compulsorily retired from service as a penalty may be granted, by the authority competent to impose such penalty, pension or gratuity or both at a rate not less than two-thirds and not more than full compensation pension or gratuity or both admissible to him on the date of his compulsory retirement.”

3. Counsel for the applicant submitted that the applicant has submitted a representation dated 17.06.2016 (Annexure A/1) in this regard but the same is pending and has not been decided as yet, therefore, he prayed that he will be satisfied if a direction is to be given to the respondents to consider and decide the representation of the applicant as at Annexure A/1 dated 17.06.2016 in accordance with law within a stipulated period.

4. Considered the aforesaid contentions and perused the record. It appears from a perusal of orders at Annexure A/2 dated 30.03.2016 and 31st May, 2016 that the applicant has been imposed a penalty of compulsory retirement from service for being absent from duty w.e.f. 19.03.1998 w/o intimation. The applicant has also submitted a representation dated 17.06.2016 (Annexure A/1) for giving him pension as per Rule 40 of CCS (Pension) Rules, 1972. As the prayer of the applicant is only to direct the respondents to decide the representation of the applicant, it is deemed appropriate to dispose of this OA at admission stage itself with the certain directions.

5. Accordingly, without going into the merits of the case, lest it prejudice the case of either side, (i) the competent authority amongst the respondents is directed to consider and decide the representation of the applicant dated 17.06.2016 (Annexure A/1) in accordance with

the rules on the subject and as per law, by a reasoned and speaking order at the earliest but in any case within a period of four months from the date of receipt of a copy of this order, (ii) the applicant is also directed to submit a copy of this order before the concerned authority amongst respondents within a week from the date of receipt of a copy of this order, (iii) and further that if the copy of this order is not submitted by the applicant before the respondents, as stipulated above, the respondents would be free to proceed in the matter as per law.

6. In view of the limited relief being granted, the requirement of issue of notices to the respondents is dispensed with.

The Original Application is disposed of accordingly, at the admission stage itself, with no order as to costs.



(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER

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