

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 27.11.98

OA 388/98

Ganga Prasad Sharma s/o Shri Daulat Ram Gautam r/o 5/160, Sahyog Nagar Colony, Bharatpur.

... Applicant

Versus

1. Union of India through Secretary, Telecommunication Department, Ministry of Telecommunication, New Delhi.
2. Chief General Manager, Telecommunication Department, Jaipur.
3. Telecom District Manager, Telecommunication Department, Bharatpur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant

... Mr.Sunil Kumar Singodiya

For the Respondents

...

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Ganga Prasad Sharma, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, seeking a direction to the respondents to make payment of gratuity, encashment of leave, telephone duty allowance and other retiral benefits including pension as revised from time to time.

2. Heard the learned counsel for the applicant.

3. Applicant's case is that while he was holding the post of S.I. under the Telecom District Manager, Bharatpur, he had retired from service on superannuation on 31.12.1993. But two days before retirement i.e. on 29.12.1993 he was served with a charge-sheet for major penalty. A departmental enquiry was conducted and the applicant was exonerated of all the charges against him vide Annexure A-1 dated 23.6.1997. Applicant's contention is that since he has been exonerated of the charges against him, he is entitled to get all the retirement benefits. Applicant sent a notice for demand of justice to the respondents but no action has been taken by the respondents to make payment of gratuity, full pension, commutation of pension, telephone duty allowance etc. The learned counsel for the applicant states that the notice for demand of justice should be treated as a representation and the same should be decided in terms of rules.

G.Kishore 4. In the circumstances, the present application is disposed of, at the

stage of admission, with a direction to respondent No.2 to decide the notice of demand of justice dated 20.8.1998, at Annexure A-4, treating the same as a representation, in terms of rules through a detailed speaking order on merits within a period of two months from the date of receipt of a copy of this order. The applicant shall be at liberty to file a fresh OA if he is aggrieved by any decision taken on the representation. Let a copy of the OA and the annexures thereto be sent to respondent No.2 alongwith a copy of this order.

GK
(GOPAL KRISHNA)
VICE CHAIRMAN

VK