

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 267/2002

DATE OF ORDER: 24/07/2003

S.N. Shamma son of Shri Bal Mukand Ji Sharma since retired as Sr. Telephone Supervisor (Staff No. ST-1/0816) Office of Sub-Divisional Engineer, FRS SG (Ex.) Jaipur. Resident of Village Lalchandpura, P.O. Niwaru, Nya Jhotwara, District Jaipur.

..... Applicant.

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Communication, Department of Telecommunications, New Delhi.
2. The Chief General Manager, Telecom, Rajasthan Telecom Circle, Jaipur.
3. The Divisional Engineer, Phones (Admn.), Office of Principal General Manager, Telecom, District Jaipur, Jaipur.

..... Respondents.

Mr. Sumandra Singh, Counsel for the applicant.

Mr. B.N. Sandu, Counsel for the respondents.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

The applicant retired on superannuation in the afternoon of 31/12/2001 while working as Sr. Telephone Supervisor under Sub Divisional Engineer (FRS) SG of Telecom District Jaipur. Since a Criminal case was pending against the applicant, he was granted only ~~extended~~ provisional pension but his DCRG was withheld till the conclusion of the Criminal proceedings by the Court and issue of final orders thereon as per CCS (Pension) Rules, 1972. The applicant has filed the present application, ~~.....~~, praying that the impugned order dated 27/12/2001 (Annexure A/1), whereby

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his gratuity amount has been withheld may be quashed and set aside. He has further prayed that the applicant be allowed regular pension instead of provisional pension. The applicant has further prayed that the respondents be directed to make payment of arrears along-with interest @ 18% per annum.

2. Notices of this application was issued to the respondents. The respondents have filed reply whereby stating that the applicant had been tried in a Criminal case No. 592/96 in the court of learned Additional Chief Judicial Magistrate who by his judgement dated 9.10.2001 convicted and sentenced the applicant to three months' simple imprisonment and fine of Rs. 500/- was imposed on the applicant. As such in terms of provisions contained in pension rules, the pension and other retiral benefits can be given to the applicant after the final out-come of the Criminal case pending against him.

3. The learned counsel for the applicant has contended that he has filed an appeal against the decision of the Additional Chief Judicial Magistrate, Jaipur before the Special Court (Sati Nivaran) Rajasthan, Jaipur which was registered as Appeal No. 89/2002 titled as Satya Narain Sharma vs. State Government through Public Prosecutor. This appeal has been allowed vide judgement dated 8.5.2003 and the applicant has been acquitted of the offence under which he was convicted. The photocopy of the judgement dated 8.5.2003 has been shown to the Tribunal by the applicant and the same is directed to be placed on record.

4. In view of this development, the applicant is entitled to the reliefs as prayed for. Accordingly, the impugned order dated 27.12.2001 (Annexure A/1) is quashed and set aside. The respondents are directed to release the retiral benefits to the applicant which were withheld pursuant to the pendency of the judicial proceedings, within two months from the date of receipt of a copy

of this order, failing which the applicant will be entitled to interest @ 12% per annum.

5. With these observations, the OA is finally disposed of.
No order as to costs.



(M.L. CHAUHAN)
MEMBER (J)