

**CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH**

CIRCUIT SITTING
AT BILASPUR.

Bilaspur this the 9th day of May 2005.

DA No.519/04

CORAM

Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.A.K.Bhatnagar, Judicial Member

Awadh Ram Sahu
S/o Shri Bedu Ram Sahu
Retired Assistant Postmaster
R/o Manikadihpura, Nawagarh
Sheori Narayan Distt. Janjgir-Champa **Applicant**

(By advocate Shri R.D.Srivastava)

Versus

1. Union of India through
Secretary to the Government of India
Department of Posts
New Delhi.
2. The Deputy Director of Accounts
Postal, Pensions
Bhopal.
3. The Post Master General
Raipur (CG).
4. The Director
Postal Services
Raipur (CG)
5. The Superintendent of Post Offices
Bilaspur Division
Bilaspur (CG) Respondents.

(By advocate Shri S.A.Dharmadhikari)

ORDER (oral)

By M. P. Singh, Vice Chairman

By filing this OA, the applicant has claimed the following reliefs:

- (i) To direct respondent No.5 to pass final order.
- (ii) To direct the respondents to settle the entire claim of the applicant within the time prescribed by the Tribunal.

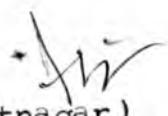
2. The brief facts of the case are that the applicant was working as Assistant Post Master, Savings Bank, Korba HO.

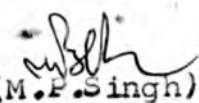
He was issued a charge memo on 31.10.2001 intending to conduct a departmental enquiry as per Rule 14 of Central Civil Services (Classification, Control & Appeal) Rules 1965. The applicant retired from service on the same date i.e. 31.10.2001. No final order has been passed by the respondents till now. Hence this OA is filed.

3. Heard the learned counsel for both parties. Learned counsel of the applicant has submitted that because of the charge sheet issued to the applicant on the date of his retirement, all his retiral dues, except grant of provisional pension, have been withheld. The learned counsel has therefore submitted that a direction be given to the respondents to pass a final order within a time frame.

4. On the other hand, the learned counsel for the respondents has stated that since the applicant has retired and final orders are required to be passed under Rule 9 of CCS (Pension) Rules and for passing final orders under Rule 9 of CCS (Pension) Rules, approval of the President is required and hence the delay in passing the final orders. He has, however, submitted that the case is pending before the President of India for according his approval.

5. We find that a period of more than 3 years has already elapsed since the charge sheet ^{was} issued to the applicant and his retiral dues have been withheld because of the charge sheet. We, therefore, direct the respondents to pass final orders and grant all retiral dues to the applicant which are due to him as per rules within 3 months from the date of receipt of a copy of this order. No costs.


(A.K.Bhatnagar)
Judicial Member


(M.P.Singh)
Vice Chairman