

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 897 of 2003

Jabalpur, this the 9th day of August, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman

Sureesh Kumar Saxena, Son of Late Shri Bhagwati Prasad Saxena, Retired from Service as Inspector General of Police, resident of 'Guru-Kripa', House No.39, Amrapali Enclave, Lion's Club Campus, Chuna Bhatti, Kolar Road, Bhopal, Pin 462016(M.P.)

APPLICANT

(By Advocate - None)

VERSUS

1. The Union of India,
through the Secretary,
Department of Home Affairs
(Police), New Delhi.
2. The State of Madhya Pradesh,
Through: the Principal Secretary,
Department of Home Affairs(Police),
Secretariate, Vallabh-Bhawan,
Bhopal(M.P.)

RESPONDENTS

(By Advocate - Shri P. Shankaran for respondent no.1
Shri Om Namdeo for respondent no.2)

ORDER (ORAL)

None for the applicant. Since it is an old case of 2003, I proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

2. By filing this Original Application the applicant has claimed the following main reliefs :

"(i) to quash the impugned notice dated 27.11.03 (Annexure A-1),

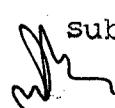
(ii) to restrain the respondents from making any recovery from pension amount muchless 50% amount as proposed in impugned notice,

(iii) to direct respondents to produce all records to demonstrate as to why employment in education trust has been treated as commercial employment when employment in University and in MIT Harward is not treated as commercial employment for kind perusal of Hon'ble Tribunal."

3. In this case ^{it is stated} ~~we find~~ that Shri S.K. Saxena i.e. the applicant who was an IPS officer of M.P. cadre ⁴ retired from

service and had accepted commercial employment within 2 years of his retirement by joining as Adviser in H.K. Kalchori Education Trust, Bhopal, without prior permission of Union of India as required under Rule 26 of the AIS (DCRB) Rules, 1958. According to the respondents H.K. Kalchori Education Trust has been registered as a Public Trust by some individuals and is running technical schools and colleges and thereby the Trust is engaged in professional business. The applicant was in receipt of monthly remuneration of Rs. 16,000/- plus Rs. 4,000/- as allowances from the trust. He was earlier called upon to explain the reasons for not obtaining prior approval of the Government before taking up the said employment vide letter dated 10th July, 2003 for which an explanation dated 1.9.2003 was submitted by the applicant through the Government of Madhya Pradesh. The explanation submitted by the applicant was examined in consultation with the Department of Personnel & Training who have laid down the relevant policy. After considering the explanation given by the applicant, the Government of India, Ministry of Home Affairs have taken a decision and issued the show cause notice dated 27th November, 2003 stating that as the applicant has contravened the provisions of Rule 26 of the AIS (DCRB) Rules, 1958, a 50% cut in the pension for a period of three years has been proposed. The applicant has ^{still now, not submitted any} dated 27.11.2003 representation/reply to the notice/issued by the Ministry of Home Affairs. The respondents have therefore, not taken any further action in the matter.

4. In the circumstances, I deem it appropriate to dispose of this Original Application by directing the applicant to submit his representation/reply to the notice issued by the



Ministry of Home Affairs dated 27th November, 2003 within a period of 4 weeks from the date of receipt of a copy of this order. I do so accordingly. If he complies with this, the respondents are directed to take a decision on his representation/reply within a period of three months from the date of receipt of the representation/reply. The interim order already passed by the Tribunal on 22.12.2003 stands vacated.

5. Accordingly, the Original Application stands disposed of. No costs.

M.P. Singh
(M.P. Singh)
Vice Chairman

"SA"

पूर्णांकन सं गो/व्या..... जवलपुर, दि.....

पुस्तिलिखि आवृत्ति दिनः--

(1) राजदीप, उच्च न्यायालय दाए एसोसिएशन, जवलपुर P. Singh
(2) आवेदक श्री/श्रीमती/कु..... के काउंसल P. Shankar
(3) प्रत्यक्षी श्री/श्रीमती/कु..... के काउंसल Om Narwari
(4) कंसलाल, लोप्रजा, जवलपुर न्यायपीढ़ि
सुदूरपश्चिम आवश्यक कार्यवाही देते

P.S.
13-8-04
प्रमाणित

Issued
On 13.8.04
By