

(12)


15.03.2007

OA No. 55/2005

Mr. Sunil Sandaria, Proxy counsel for
Mr. Mahendra Shah, Counsel for applicant.
Mr. Anupam Agarwal, Counsel for respondents.

Learned counsel for the applicant submits that he wants to seek some instructions from his client. Her, therefore, prays for adjournment.

List it on 14.05.2007.


(J.P. SHUKLA)
MEMBER (A)


(KULDIP SINGH)
VICE CHAIRMAN

AHQ
14.05.2007
OA 55/2005

Present : None for the parties.

This case has been listed before the Deputy Registrar due to non-availability of the Division Bench. Be listed before the Hon'ble Bench on 25.07.2007.


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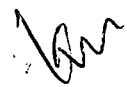

DEPUTY REGISTRAR

25-7-07

None present for applicant
Mr. Anupam Agarwal, Counsel for respondents

Heard. The OA is dismissed by a separate order.


(J.P. Shukla)
M/A


(Kuldip Singh)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 25th day of July, 2007

ORIGINAL APPLICATION No.55/2005

CORAM:

HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN
HON'BLE MR. J.P.SHUKLA, ADMINISTRATIVE MEMBER

Suwa Lal
s/o Shri Ganeshi Lal,
aged about 66 years,
r/o Dhola Bhata,
Upparlla Kuwa, after railway crossing,
Ajmer.

.. Applicant

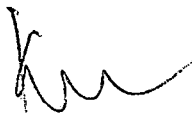
(By Advocate:

Versus

1. Union of India through General Manager,
North Western Railway,
Jaipur.
2. The General Manager,
Western Railway, Churchgate,
Mumbai.
3. The Chief Works Manager,
North Western Railway,
Jaipur.

.. Respondents

(By Advocate: Shri Anupam Agarwal)



O R D E R (ORAL)

No one appeared on behalf of the applicant when the case was called, so we are going to decide this OA under Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. The applicant has filed this OA seeking relief of retiral benefits. The applicant alleges that he was substantive employee of the Railway Department as Chargeman, an equivalent post of Mistri in the pay scale of Rs. 1400-2300 at the time of superannuation. As per Rule 2308 of Indian Railway Establishment Code, the applicant is entitled to pensionary benefits, which also include commutation of pension, gratuity etc. but so far the applicant has been sanctioned provisional pension whereas he is entitled for full pensionary benefits. It is further stated that though an FIR was lodged against him but he has neither been found guilty in judicial proceedings nor in departmental proceedings. It is further submitted that he has informed the office regarding the above incident and requested that the period of suspension may be treated as duty. It is further stated that whole action of the respondents not giving him the benefit of complete retiral dues is illegal and contrary to the Rule 2308 of Indian Railway Establishment Code and the applicant cannot be deprived of the pensionary benefits.

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3. We have heard the learned counsel for the respondents, who after referring to the reply submitted that the applicant was involved in a criminal case, though he has not been held guilty but the judicial proceedings were pending before the Additional Munsif and Judicial Magistrate No.3, Ajmer at the time of retirement and the applicant was informed that he may furnish the same to the office so that his retiral benefits may be disbursed to him, but so far, the applicant has not submitted any judgment showing that he was not found guilty by the Court. Thus, it is submitted that there is no violation of any provisions of the Indian Railway Establishment Code for denying the ratiral benefits to the applicant, rather in accordance with rules, provisional pension has been sanctioned and paid to the applicant. The respondents have also annexed the statement showing calculation of pensionary benefits and the order or provisional pension being disbursed to the applicant. So we find that no interference is called for.

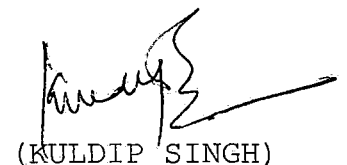
4. The OA is, therefore, dismissed with no order as to costs.



(J.P. SHUKLA)

Adminsitratve Member

R/



(KULDIP SINGH)

Vice Chairman