

10-05-2011

28

OA. 207/2008

Dr. Sangath Roy Ad. counsel for applicant.

Mr. Mukesh Agarwal Ad. counsel for respondent No 1

Mr. V.D. Sharma Ad. counsel for respondents No 2,

Heard Ad. counsel for the parties.

The OA stands disposed of by a separate order.

Anil Kumar

(Anil Kumar)

Member (A)

K. S. Rathore

(Justice K. S. Rathore)

Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 10th day of May, 2011

ORIGINAL APPLICATION NO. 207/2008

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

G.S. Narwani son of Shri Haroo Mal, aged about 71 years, retired IAS, resident of 23, Krishna Colony, Naya Khera, Amba Bari, Jaipur.

.....Applicant

(By Advocate: Dr. Saugath Roy)

VERSUS

1. Union of India through the Secretary, Ministry of Personnel, Public Grievances and Pension, North Block, Central Secretariat, Vijay Path, New Delhi.
2. The State of Rajasthan through Secretary, Department of Personnel, Secretariat, Jaipur.

.....Respondents

(By Advocate: Mr. Mukesh Agarwal – Respondent no. 1
Mr. V.D. Sharma – Respondent no. 2.)

ORDER (ORAL)

Briefly stated, facts of the case are that the applicant retired after attaining the age of superannuation on 31.01.1995 as a Member of the Indian Administrative Service. On the date of retirement of the applicant, an order was served upon him by which 100% provisional pension was released but the amount of gratuity was not released till further orders as the disciplinary proceedings had been initiated against him and was not concluded till then. It is not disputed that disciplinary proceedings has now been concluded and after conclusion of the disciplinary inquiry, respondent no. 1 wrote a letter to respondent no. 2, State of Rajasthan, to pass fresh order as in this OA order dated 19.03.2008 (Annexure A/1) is under challenge and in that



order it was made clear that retrial benefits alongwith gratuity amount has not been paid to the applicant as disciplinary proceedings against the applicant is pending. Now the disciplinary proceeding is concluded and the respondent no. 2 is required to pass fresh order with regard to the payment of retrial benefits to the applicant.

2. Therefore, without going into merit of the case, we deemed it proper to direct the respondent no. 2 to pass fresh order in accordance with provisions of law regarding release of retrial benefits and gratuity expeditiously but in any case not later than three months from the date of receipt of a copy of this order.
3. With these observations, the OA shall stands disposed of with no order as to costs.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

K. S. Rathore

(JUSTICE K.S. RATHORE)
MEMBER (J)

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