

02.02.2009

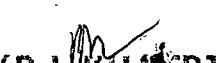
OA No. 284/2008

Mr. P.N.Jatti, Counsel for applicant.

Mr. V.S. Gurjar, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.


(B.L.KHATRI)
MEMBER (A)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 02nd day of February, 2009

ORIGINAL APPLICATION NO. 284/2008

CORAM:

HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Hassan Mohd. son of Shri JanaB Phool Mohd. by caste Muslim, aged about 60 years, resident of 21, Khendala House, Sansar Chandra Road, Jaipur. Presently retired as Printing Supervisor, office of Directorate of Census, Operation Rajasthan, 6B, Jhalana Doongri, Jaipur.

.....APPLICANT

(By Advocate: Mr. P.N. Jatti)

VERSUS

1. Union of India through the Registrar General and Census Commissioner India, 2A Mansingh Road, New Delhi.
2. Deputy Director (Controlling Officer), Directorate of Census Operation, 6-B, Jhalana Doongri, Jaipur.

.....RESPONDENTS

(By Advocate: Mr. V.S. Gurjar)

ORDER (ORAL)

PER HON'BLE MR. B.L. KHATRI

This OA has been filed for not releasing the retiral benefits of the applicant. The applicant was retired on superannation on 31.03.2008. The retiral benefits of the applicants has been withheld for the reasons that following cases are pending against him.-

- (i) Two judicial cases (Case No. 03/2005 & 23/2005) are pending before the Civil Court.
- (ii) A disciplinary case was initiated against the applicant under Rule 16 of the CCS (CCA) Rules, 1965 vide Memo No. F 3(33) Cen/Estt/2001/3602 dated 15.07.2002 and charges were leveled against him and a penalty of reduction of pay of the applicant by two stages from Rs.8125/- to Rs.7775/- in the time scale of pay without cumulative effect for a period of one year or till his retirement, whichever is earlier with immediate effect was

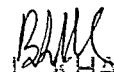
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awarded vide Registrar General India's letter No. 30/32/2006 dated 12.09.2007.

(iii) Another disciplinary proceeding was initiated against the applicant under Rule 14 of the CCS (CCA) Rules, 1965 vide Memo No. F 3(33) Cen/Estt/2007 dated 09.04.2007, which was concluded on 16.05.2008 and the applicant was awarded with penalty of Censure.

2. After hearing the learned counsel for the parties, I find that impact of these disciplinary/ court cases had not been considered by the respondents and they have not passed any specific order for withholding of retiral benefits of the applicant. Accordingly, the applicant is directed to give a detailed representation including the impact of all the disciplinary proceedings and court cases for not releasing his retiral benefits. Such a representation shall be filed before the appropriate authority within a period of 15 days from the day of this order. If such a representation is filed within the aforesaid period, in that eventuality the respondents are directed to pass a speaking & reasoned order within a month from the date of receipt of such representation by the applicant. The respondents are also directed to release the provisional pension to the applicant immediately, if it had not already been done so. In case the applicant is aggrieved by the order to be passed by the respondents, he can approach this Tribunal again.

3. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)

AHQ