

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL


30.04.2009

OA No.104/2009,
M.L.Soni vs. UOI

Mr. P.N.Jatti, counsel for applicant
Mr. Neeraj Batra, counsel for respondents

Heard the learned counsel for the parties.

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


(M.L. CHAUDHAN)
Judl. Member

R/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 30th day of April, 2009

ORIGINAL APPLICATION No.104/2009

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)

M.L.Soni
s/o Shri Ram Lal Soni,
r/o Ram Ganj, Mandi Kota,
presently retired as Sr. TOA (P) on 31.8.2007
from the office of the GMTD BSNL, Kota.

.. Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. Union of India through the Secretary to the Govt. of India, Department of Telecom, Sanchar Bhawan, New Delhi.
2. Chairman, Bharat Sanchar Nigam Limited, Corporation Office, Personnel IX Section, Sanchar Bhawan, New Delhi.
3. Chief General Manager, Telecom Rajasthan Circle, Jaipur.
4. General Manager, Telecom District, Kota.

... Respondent

(By Advocate: Shri Neeraj Batra)



O R D E R (ORAL)

The applicant has filed this OA thereby praying that direction may be given to the respondents to release Pension Payment Order w.e.f. 1.9.2007 alongwith arrears of pension at the rate of 12% interest. By way of interim relief, it is prayed that direction may be given to the respondents to give him provisional pension as per Pension Rules, 1964.

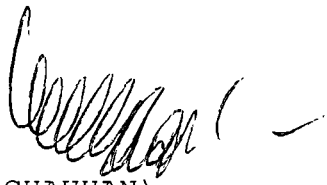
2. It may be stated that the applicant has been acquitted by the Hon'ble High Court vide order dated 21.4.2008 (Ann.A2). The judgment of the Hon'ble High Court has also been placed by the applicant in another OA No.105/2009 in which almost identical prayer has been made. In view of the fact that OA No.105/2009 is pending before this Tribunal in which the grievance as ventilated by the applicant in this OA is also the subject matter, I am of the view that the present OA does not survive and the same shall stand disposed of.

3. Needless to add that the issue raised by the applicant in this OA shall be taken note of in OA No.105/2009 in which similar grievance has already been raised. The learned counsel for the applicant submits that although the applicant was entitled to pension w.e.f. 1.9.2007, it was incumbent upon the authorities to release the provisional pension to him

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even if criminal appeal was pending before the Court but the authorities has not made such payment. If the contention raised by the learned counsel for the applicant is true, this is a serious matter and requires urgent attention of the respondents to release the retiral benefits to the applicant including pension, more particularly, when the applicant has been acquitted by the Hon'ble High Court and there appears to be no other impediment in the way of the respondents not to release the retiral benefits to the applicant.

4. With these observations, the OA stands disposed of with no order as to costs.



(M.L. CHAUHAN)
Judl. Member

R/