

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 20th day of April, 2011

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ORIGINAL APPLICATION NO. 105/2010
With
MISC. APPLICATION NO. 343/2010

CORAM

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

M.L. Soni son of Shri R.L. Soni by caste Soni aged about 62 years, resident of Ramganj Mandi, Kota. Presently retired as per TOA (P) on 31.03.2004 from GMTD, BSNL, Kota.

.....Applicant

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

VERSUS

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

.....Respondents

(By Advocates: Mr. T.P. Sharma – Respondent no. 1.
Mr. Neeraj Batra – Respondents nos. 2 to 4.)

ORDER (ORAL)

By way of this OA, the applicant has prayed for release of his retrial benefits with 12% Compound interest with effect from 01.09.2007. So far as retrial benefits is concerned, it is stated by the respondents that retrial benefits as well as pension benefits have been given to the applicant after the regularization of his suspension period and the delay in releasing the retrial benefits to the applicant are quite in good faith. Hence the burden of interest cannot be imposed on the respondents. It is not disputed that the applicant was put under suspension on account of criminal case registered against him under



Section 307 of the IPC and he was sentenced for five years of rigorous imprisonment and was imposed a fine of Rs.2000/- and in default of fine he was to undergo a simple imprisonment of six months. The applicant preferred a Criminal appeal under Section 374 of the CRPC and the Hon'ble High Court allowed the appeal.

2. It is not disputed that the applicant retired from service after attaining the age of superannuation 31.08.2007 and after the order of the acquittal passed by the Hon'ble High Court vide order dated 21.04.2008, he applied for retrial benefits only on 26.12.2008 after regularization of the suspension period, which has been processed by the respondents at various levels. The respondents granted the retrial benefits to the applicant on 28.08.2009. Looking to the facts & circumstances of the present case, we find no deliberate delay by the respondents in making payment of the retrial benefits to the applicant. Therefore, the applicant is not entitled to get any interest thereof and since the entire retrial benefits has been paid to the applicant, we find no merit in the present OA and the OA stands dismissed being bereft of merit.

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

4. In view of the order passed in the OA, there is no need to pass any order in MA No. 343/2010 which too is accordingly dismissed.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

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