

**Central Administrative Tribunal
Principal Bench**

OA No.228/2017

New Delhi, this the 19th day of January, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Ms. Nita Chowdhury, Member (A)**

Shri Ovinder Pal

Aged about 60 ¼ years

Presently superannuated w.e.f. 31.8.2016

While functioning as Deputy Director EMC

New Delhi (Transferred to DD News) as

Group 'A' Gazetted Officer under Ministry of

Information & Broadcasting 'A' Wing

Shastri Bhawan, New Dlehi 110 001

R/o C/o Smt. Prakash Devi H. No.81,

Bhagwatpura, Gandhi Road,

Near Indraprasthya Hospital

Meerut 2520002.

- Applicant

(By Advocate : Shri V. P. S. Tyagi)

VERSUS

1. Union of India
through Secretary
Ministry of Information & Broadcasting
'A' Wing, Shastri Bhawan,
New Delhi 110 001.
2. The Director in the Directorate of
Field Publicity (Ministry of I & B)
East Block-V, Level-III,
R. K. Puram,
New Delhi-66.

Respondents

: O R D E R :

Justice Permod Kohli, Chairman:

Heard.

2. Issue notice. Shri Hanu Bhaskar, learned standing counsel appears and accepts notice on behalf of the respondents.

3. While serving as Deputy Director (News), New Delhi, the applicant was served with a memorandum of charge dated 19.07.2012 for initiating disciplinary proceedings against him for major penalty under Rule 14 of CCS (CCA) Rules, 1965. After receiving response from the applicant, the Disciplinary Authority constituted formal inquiry. The Inquiry Officer has completed the inquiry on 01.07.2016. The Inquiry Report was served upon the applicant on 09.08.2016. The applicant has already filed his representation dated 09.09.2016. The applicant has retired from service on 31.08.2016.

4. The grievance of the applicant is that the respondents have not settled the disciplinary proceedings till date, as a consequence whereof, the applicant has not been paid any pensionary/retiral benefits. This OA has been accordingly filed seeking following reliefs:-

- “(a) Direct the Respondents to settle the matter of Disciplinary case which has reached to the finality by submission of the Enquiry Report, expeditiously in the wake of the circumstances that the Applicant has already reached the age of superannuation w.e.f. 31.08.2016.
- (b) Direct also the Respondents to take the applicant to as having deemed superannuated w.e.f. 31.08.2016 and became entitled for payment of pensionary benefits and other monetary entitlement by making interest on the arrears thereof at rate 9% p.a. interest to have become due w.e.f. 31.8.2016 till it is to be paid.
- (c) Release and pay the arrears of salary stopped w.e.f. December 2011 by also regularizing the period of absence of the applicant as per law by grant of leave as due.
- (d) Pass any order or direction as deemed just and proper in the facts and circumstances of the case with award of the case in favour of the applicant against the respondents.”

4. The aforesaid prayer (a) is for settlement of the disciplinary proceedings. This Application is being disposed of at the admission stage itself with the direction to the respondents to take decision on the report of the Inquiry Officer by taking into consideration the representation made by the applicant in response to the Inquiry Report. In the

meantime, the respondents will pay provisional pension to the applicant and other admissible retiral benefits in accordance with law. Above directions be complied with within a period of three months from the date of receipt of copy of this order. The decision so taken shall be communicated to the applicant.

(Nita Chowdhury)
Member (A)

(Justice Permod Kohli)
Chairman

/pj/