

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**M.A. Nos.1340/2016 and 1341/2016 In
O.A. No.4309/2014**

New Delhi this the 19th day of April, 2016

**HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J)
HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)**

Dr. Santokh SinghRespondent in
MAs/applicant in OA

Versus

Union of India . .Applicant in MAs/Respondent in OA
(Argued by: Shri Rajesh Katyal)

ORDER (ORAL)

Justice M. S. Sullar, Member (J)

MAs No. 1340 & 1341 of 2016

Having heard the learned counsel for the applicant in the MAs (respondent in the OA) and having gone through the record with his valuable help, we are of the considered opinion that there is no merit in the MAs seeking condonation of delay in filing the application for extension of time to execute the order of this Tribunal.

2. As is evident from the record that initially applicant, Dr. Santokh Singh had preferred the main OA No.4309/2014 praying for a direction to the respondent-authority to pay him retiral benefits.

3. On completion of all the codal formalities, the OA was allowed by way of order dated 27.10.2015, operative part of which is as under:-

“18. In view of the aforesaid discussion, we are of the considered opinion that the applicant is entitled to the pensionary benefit, which cannot be curtailed unless, of course, in the disciplinary proceeding initiated vide charge memo dated 08.07.2014, a finding has been recorded relating to the grave misconduct or negligence committed by the applicant during the period of his service, based on which the President passes an 10 order withholding the retiral benefits either in full or in part. The respondents are, therefore, directed to release the pensionary benefits payable to the applicant, less the amount of provisional pension already paid to him, with interest at the rate of 9% per annum from the date when such pension was payable till the date of actual payment. It is made clear that the respondents are at liberty to proceed with the disciplinary proceeding initiated against the applicant by issuing the charge memo dated 08.07.2014. The respondents shall also verify as to whether the salary for the period from 29.11.2010 to 17.01.2011 has been paid to him and upon verification if it is found that the salary for that period or any part thereof is due and payable, the same shall be paid to the applicant. The entire exercise, as directed above, shall be completed within 2 (two) months from today.

4. Instead of complying with the indicated directions, the respondent in the OA has filed the present MAs for condonation of delay in filing the application for extension of time.

5. The condonation of delay and extension of time have been sought by the respondent mainly on the grounds that, for deciding the further course of action, the case of the applicant is to be forwarded to the Department of Personnel and Training (DOP&T), Central Vigilance Commission (CVC) and Central Bureau of Investigation (CBI). The respondent made all efforts to process the case of the applicant but final

decision could not be taken due to inter departmental consultations.

6. Thus, we are of the firm view that the grounds pleaded by the respondent for extension of time are speculative and cannot be accepted as such. Once this Tribunal has specifically directed the respondent to release the pensionary benefits to the applicant, less the amount of provisional pension paid to him with interest at the rate of 9% per annum from the date when such pension was payable till the date of actual payment, there was no liberty available to the respondent to consult the Government entities such as DOP&T, CVC and CBI, so as to unnecessarily delay the implementation of this Tribunal's order. The respondent had option to challenge the order of this Tribunal in higher judicial fora but having chosen not to do so, are left with no option except to implement it. The respondent has failed to convince us as to why extension of time is required for implementing the order within the given time-frame.

7. In the light of the aforesaid observations, we do not find any merit in the MAs and they are accordingly rejected. No costs.

(K.N. SHRIVASTAVA)
MEMBER (A)

(JUSTICE M.S. SULLAR)
MEMBER (J)

Rakesh