

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 1690/2015

New Delhi, this the 2nd day of May, 2017

HON'BLE MR. P.K. BASU, MEMBER (A)

Dr. Nathu Lal, CMO (NFSG), (Retired)
S/o. Late Sh. Devi Dass,
R/o. 119, Laxmi Bai Nagar,
New Delhi – 110 023. .. Applicant

(By Advocate : Shri Kamran Malik)

Versus

1. The Union of India
Through : Sh. Bhanu Pratap Sharma,
Secretary to the Government of India,
Ministry of Health & Family Welfare,
New Delhi-110 108.

2. Dr. Kamal Kumar,
Additional Director (HQ),
Central Govt. Health Scheme,
Sector-12, R. K. Puram,
New Delhi-110 023.

3. Dr. R. Padmini,
Additional Deputy Director General (HQ),
Directorate General of Health Services,
Nirman Bhawan,
New Delhi – 110 108. .. Respondents

(By Advocate : Mrs. Harvinder Oberoi with Shri G.D. Chawla)

ORDER (ORAL)

Heard the learned counsel for both the sides.

2. The applicant has filed the present O.A. with the following prayer:

“8.1 Payment of pay and allowances with effect from 01/12/2012. The applicant may be made payment of pay and allowances (or salary due) as on the date of his retirement on 30/11/12 on superannuation, with effect from 01/12/2012 to till date.

Annexure A-8 : Respondent No.3's letter Pt.F.No.42-13/2012/CGHS/SZ/2152, dated 27/05/14.

Legal provision: Rule 35 of the Central Civil Services (Pension) Rules, 1972.

8.2 Payment of cash equivalent of leave salary for the earned leave at the credit of applicant on the date of retirement. The applicant may be granted Cash equivalent of leave salary for the earned leave at his credit on the date of his retirement on 30.11.2012.

Ground : Applicant had been retired from his service.

Legal position : Sub-rule (2) of Rule 39 of the Central Civil Services (Leave) Rules, 1972.

8.3 Payment of all retirement benefits as per the rule mentioned in para 4.3.”

3. The respondents in their reply have stated that the following payments have been made to the applicant post his retirement:

1. Leave Encashment Rs.7,99,408/-
(vide bill No.1937 dated 12.06.2013)

2.	CGEGIS	Rs. 1,68,184/-
	(vide bill No. 2731 dated 17.07.2013)	
3.	GPF	Rs. 4,00,017/-

In addition, the applicant has been granted the provisional pension of Rs.39,387/- plus DR as admissible per month starting from 01.12.2012, as the applicant had retired on 30.11.2012.

4. Learned counsel for the respondents states that a charge sheet was issued to the applicant on 17.08.2007, i.e. almost five years prior to his retirement, and a final decision in this regard is pending, as a result of which only provisional pension has been granted.

5. The learned counsel for the applicant has relied on judgment of the Hon'ble High Court of Delhi in Civil Writ No.638 of 1972 in **O.P. Gupta vs. Union of India and another**, 1981 (3) SLR 778 and this Tribunal's order dated 18.05.2004 in Smt. Santosh Verma vs. The Commissioner, Kendriya Vidyalaya Sangathan & Ors., 2005 (I) SLJ 383 (CAT). However, these judgments are not applicable in the present case as a charge-sheet has been issued to the applicant and the matter is pending finalisation in the disciplinary proceedings.

6. In view of the above, the O.A. is dismissed, however, with a direction to the respondents to take a final decision in the

departmental proceedings within a reasonable time, preferably within two months from the date of receipt of a certified copy of this order. No order as to costs.

**(P.K. BASU)
MEMBER (A)**

/Jyoti/