

Central Administrative Tribunal Principal Bench

OA No.2961/2015

New Delhi, this the 29th day of September, 2015

**Hon'ble Mr. Justice Syed Rafat Alam, Chairman
Hon'ble Mr. P. K. Basu, Member (A)**

Shri Lakhminder Singh Brar
S/o Shri G. S. Brar
aged about 69 years
R/o 4409, Pocket-B-5&6,
Vasant Kunj, New Delhi 110 070
Retired from Delhi Police as ACP ... Applicant.

(By Advocate : Ms. Jasvinder Kaur)

VS

1. Union of India
Ministry of Home Affairs through
Secretary (Home)
Through
Addl. Secretary (UT/Home)
Disciplinary Authority,
North Block,
New Delhi.
2. Chief Secretary
Govt. of NCT of Delhi
Delhi Secretariat,
IP Estate,
New Delhi 110 002.
3. Commissioner of Police
MSO Building, PHQ,
IP Estate, New Delhi.
4. Office of Pay & Accounts
Pay & Accounts Officer-II,
Delhi Police GNCTD
Man Singh Road,
New Delhi.

.... Respondents.

(By Advocate : Shri R. N. Singh for respondent No.1.
Shri N. K. Singh for Mrs. Avnish Ahlawat for
respondent Nos.2 to 4).

: O R D E R (ORAL) :**Justice Syed Rafat Alam, Chairman :**

In the instant Application, the sole applicant has come up with the grievance that his post retiral benefits including arrears of pay and allowances have not been released despite numerous representations and reminders.

2. Ms. Jasvinder Kaur, Learned counsel for the applicant submitted that the applicant was falsely implicated in a criminal case under Section 420/461/468/471/120-B of the IPC in Case No.134/2 registered pursuant to FIR No.190/2002. It is stated that the allegation against the applicant was that he had attested the Will (Exhibit PW-7/A) by putting his thumb impression at points 'Q1' and 'Q2' and his signatures thereon. The Trial Court acquitted him by giving benefit of doubt. However, the main accused Mukesh Kumar Gaur was convicted. The appeal against the aforesaid acquittal was also dismissed by Delhi High Court vide judgment dated 18.02.2015, a copy whereof is enclosed as Annexure A-1. She, therefore, submits that after the applicant's acquittal, he was reinstated in service vide order dated 26.10.2006 (Annexure A-2) subject to the outcome of the appeal against acquittal pending before Hon'ble Delhi High Court. The applicant thereafter on attaining the age of superannuation retired from service on 30.09.2007.

3. Now, grievance of the applicant is that the respondents ought to have passed order under FR 54-B (1) in respect of the period spent under suspension and to fix his pay and allowances after regularising the period of suspension and to pay the arrears w.e.f. the date of reinstatement till his superannuation, and further they may also be directed to fix his pension and release other retiral dues with interest.

4. When the matter was taken up on 25.08.2015, Shri R. N. Singh, learned counsel appearing for respondent No.1 relying on the letter of Home Ministry dated 06.07.2015 addressed to the Chief Secretary, GNCTD and Commissioner of Police submitted that since the matter is under consideration before the department, the matter may be taken up on some other date to inform the court as to within what time final decision in respect of period of suspension of the applicant would be taken.

5. Pursuant to the aforesaid order, Shri R. N. Singh, learned counsel upon instructions from respondent No.1 states that nothing is pending before the respondent No.1 as claim of the applicant for regularisation of suspension period and release of retiral benefits has already been forwarded to Government of NCT of Delhi who is the employer of the applicant. He further submits that despite reminders dated 27.03.2015, 14.05.2015 and 06.07.2015, respondent Nos.2

to 4 who are required to take decision in the case of the applicant have not decided the same. However, Shri N. K. Singh holding brief for Mrs. Avnish Ahlawat, Learned counsel appearing for respondent Nos.2 to 4 submitted that the matter would be examined and an appropriate decision in respect of the aforesaid grievance of the applicant would be taken within two months.

6. In view of the above statement made on behalf of the respondents, we are of the view that no purpose would be served by keeping this matter further pending and it would be appropriate to dispose of this Application at this stage with direction to the respondent Nos.2 to 4 to decide the claim of the applicant regarding regularisation of period of suspension as well as payment of arrears of salary and retiral dues including pension within two months from the date of production of certified copy of this order.

7. In the event, the respondents come to the conclusion that certain amounts are not payable to the applicant due to some legal impediment, they should pass a reasoned order and communicate the same to the applicant. It would be open to the applicant to approach the Tribunal again, if he is not satisfied with the order to be passed by the respondents in compliance to this order.

8. With the above order, the OA stands finally disposed of.
No costs.

(P. K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

/pj/