

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

O.A. No.2169 of 2017

This the 4th day of October, 2018

Hon'ble Ms. Nita Chowdhury, Member (A)

Tirath Singh Rawat, Retd. SI, Delhi Police,
Aged about 70 years,
s/o late Sh. Narang Singh Rawat,
r/o B-30, Police Colony, Sec-12, R.K. Puram,
New Delhi-110022.

....Applicant

(By Advocate : Shri M.K. Bhardwaj)

VERSUS

1. The Commissioner of Police,
Delhi Police, PHQ, I.P. Estate, New Delhi.
2. The Dy. Commissioner of Police,
South West Distt.
Delhi.

....Respondents

(By Advocate : Ms. Harvinder Oberoi)

ORDER (oral)

By filing this OA, the applicant is seeking the following reliefs:-

- “(i) To quash and set aside the impugned orders dated 21.04.2017 and direct the respondents to release the revised pension of applicant w.e.f. 01.10.2017 with all arrears of pay as well as leave encashment with 12% interest from 1.10.2007.
- (ii) To declare the action of respondents in not fixing the Provisional Pension of applicant as per Pay fixation order dated 04.05.2010 as illegal and arbitrary and issue appropriate consequential directions to release the revised provisional pension and arrears thereof alongwith interest @ 12% till 01.08.2016 and thereafter consider the claim of applicant for grant of compassionate allowance under Rule 41 of CCS (Pension) Rules, 1972.

- (iii) To allow the OA with costs.
- (iv) to pass such other and further orders which their lordships of this Hon'ble Tribunal deem fit and proper in the existing facts and circumstances of the case."

2. When the matter is taken up for hearing, counsel for the applicant states that this is basically a matter regarding consideration of his request for grant of compassionate allowance as per Rule 41 of CCS (Pension) Rules, 1972.

2.1 Counsel further states that the applicant had been issued a show cause notice dated 12.1.2016 under Rule 9 of the CCS (Pension) Rules, 1972, which reads as under:-

"Whereas, the Hon'ble Court of Shri R.K. Guaba, Special Judge, Delhi vide its judgment dated 14.07.2003 in case FIR No.RC 61(A)/95-DLI u/s 7 POC Act, convicted SI Tirath Singh Rawat, No. D-2923 on the charges of accepting and obtaining Rs.4000/- as illegal gratification from the complainant by Shri Virender Kumar on behalf of SI Tirath Singh Rawat, No.D-2923 and they were apprehended by the raiding party and awarded sentence of Rigorous Imprisonment for four years with a fine of Rs.500/- each under Section 7 and 13(2) of Prevention of Corruption Act, 1988.

And whereas, the criminal appeal No. 461/2003 filed before High Court of Delhi by SI Tirath Singh Rawat, No.D-2923, has been rejected vide Judgment dated 27/11/2013.

And whereas, SI Tirath Singh Rawat, No. D-2923 has retired on superannuation on 30.09.2007.

And whereas, the charge of bribery for which SI Tirath Singh Rawat, No.D-2923 was convicted of, constitute grave misconduct on his part.

And whereas, the President being the competent authority after taking into consideration the conviction of the said SI Tirath Singh Rawat, No.D-2923 on the grave criminal charge of bribery has taken a tentative decision that circumstances of the case warrant imposition of the penalty of withholding of 100% of his

pension as well as forfeiture of his full gratuity in terms of Rule 9 of CCS (Pension) Rules, 1972.

AND NOW, THEREFORE, the said SI Tirath Singh Rawat, No. D- 2923 is hereby given an opportunity of making representation on the penalty proposed above. Any representation, which he may wish to make against the penalty proposed; will be considered by the competent authority. Such a representation, if any should be made in writing and submitting so as to reach this Ministry not later than 15 days from the date of receipt of this Memorandum.”

2.2 The applicant has subsequently given a detailed representation dated 20.2.2017 (at pages 40 to 48 of the paper book) against the said show cause notice. He further contended that in terms of the Order of the Hon’ble Supreme Court in the case of ***Mahinder Dutt Sharma vs. Union of India and ors.*** (Civil Appeal No.2111/2009 decided on 11.4.2014, applicant’s case has neither been considered nor had it been disposed of by a detailed and speaking order.

3. While counsel for the respondents has been able to show that the applicant was convicted and submitted that his pension and gratuity as per rules were forfeited, but the respondents have not been able to show what they have considered while passing the order dated 21.4.2017 on the applicant’s request for grant of compassionate allowance as per Rule 41 of the CCS (Pension) Rules. The Order passed by the respondents dated 21.4.2017 reads as under:-

“With reference to your request dated 23-2-2017 regarding grant of Compassionate Allowance, has been considered/examined under Rule 41 of CCS (Pension) Rules 1972 as well as Hon’ble President of India’s order, dated 19-08-2016 in consultation with PHQ, but could not be acceded to.”

Accordingly, the order dated 21.4.2017 passed on the issue of grant of compassionate allowance is set aside being a very cryptic and non-speaking order and the respondents are directed to pass a detailed reasoned and speaking order on his representation dated 20.2.2017 (Annexure A-7) within a period of 90 days from the date of receipt of a certified copy of this Order.

5. The present OA is disposed of in above terms. There shall be no order as to costs.

**(Nita Chowdhury)
Member (A)**

/ravi/