

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00312/2018

Monday this the 9th day of April, 2018

CORAM:

Hon'ble Mr. U. Sarathchandran, Judicial Member
Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member

T.S. Jose,
LDC (Retd.), Government of India Press, Koratty,
Residing at Thanikkal House, Near Service Co-Operative Bank,
Koratty – 680 308.

Applicant

(By Advocate – Mr. S. Radhakrishnan)

V e r s u s

1 Union of India,
Represented by Secretary,
Ministry of Housing and Urban Affairs (AV Unit),
Nirman Bhawan, New Delhi – 110 108.

2 The Director,
Directorate of Printing, Ministry of Housing and Urban Affairs,
Nirman Bhawan, New Delhi – 110 108.

Respondents

(By Advocate - Mr. M.K. Padmanabhan Nair, ACGSC)

This Original Application having been heard on 3.4.2018, the Tribunal on 9.4.2018 delivered the following:

O R D E R

***Per:* E.K. Bharat Bhushan, Administrative Member**

OA 180/00312/2018 is filed by Shri. T.S. Jose, Retired LDC, Government of India Press, Koratty against Annexure A1 order F. No. 13011/1/2004-AV dated 03.10.2017 issued by the Ministry of Housing and Urban Affairs. As per the said order 100% of his monthly pension as well as the entire gratuity admissible to him have been withheld as part of disciplinary action taken against him.

2. The reliefs sought in the OA are as follows:

- a. *Call for the records connected with the case;*
- b. *declare that Annexure A1 Order is patently illegal, unjust and not sustainable in the ye of law;*
- c. *set aside Annexure A1 Order;*

- d. *Direct the 1st respondent to place Annexure A14 Review Application before the President and to get the same reviewed under Rule 29-A of the CCS(CCA) Rules;*
- e. *direct the reviewing authority to consider Annexure A14 application in the light of the compassionate pension and gratuity granted to the co-convicts and to pass appropriate orders on Annexure A14 by adopting a compassionate and sympathetic standard;*
- f. *grant such other reliefs as this Honourable Tribunal may deem fit, just and proper in the facts and circumstances of the case.*

3. The applicant, while working as LD Clerk in Government of India Press, Koratty, was looking after the post of Store Keeper w.e.f 30.04.2002. During the time, a CBI case had arisen on an alleged criminal conspiracy between some individuals in order to supply excess waste papers to contractors without accounting for the same. The case was put on trial before the Court of Special Judge (CBI), Ernakulam and 3 officers of the Press including the applicant were convicted. The applicant has approached the Hon'ble High Court and obtained a stay on the sentence imposed against him.

4. When this case was pending, the applicant retired from service on superannuation on 31.03.2009. He was granted provisional pension and was in receipt of the same till September, 2017. At this stage the order of the Special Judge (CBI) came out convicting 3 officials including the applicant. The respondents issued a show cause notice on 22.12.2013 invoking Rule 9 of the CCS (Pension) Rules. After due process, the disciplinary authority, in the name of the President, issued the following order:

“NOW THEREFORE, the President, in acceptance of the advice tendered by the UPSC and after considering the representation of the CO and the circumstances in totality and on an objective assessment of the entire case hereby imposes the penalty of “withholding of 100% (hundred percent) of the monthly pension otherwise admissible to the CO, Shri. T.S. Jose, LDC (Retd.). Further, entire gratuity admissible to him is also withheld”;”

5. The applicant has filed Review Petition before the 1st respondent which is said to be pending consideration.

6. Shri. S. Radhakrishnan representing the applicant was heard. He drew our attention to the fact that the two other accused, viz., Mr. G. Ambazhagan, Ex-Deputy Manager and Mr. K.N. Babu, Ex-Assistant Manager (Administration) (the applicant being the 3rd accused) were both dismissed from service. However, they were granted benefits including gratuity and compassionate allowance at 2/3 eligibility as can be learnt from Annexures A11 and A12. The respondents have extended differential treatment to the applicant by denying him his entire pension. Further, Shri. S. Radhakrishnan drew our attention to the document at

Annexure A4 which is a letter addressed to the Superintendent of Police, CBI, by one Mr. N.V. Radhakrishnan, General Manager alleging some deficiencies in the prosecution procedures.

7. It is not our task to go into the details of the Criminal Case that has been decided, the sentence being suspended by the Hon'ble High Court. At this point, we feel that the interest of justice will be fully met if we direct the respondent No. 1 to consider and dispose of the Review Petition that the applicant has filed, copy of which is available at Annexure A14, in the light of the decision taken in the case of the two co-accused. We proceed to do so. This shall be done within two months of receipt of copy of this order. OA is disposed of as above. No costs.

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(U.SARATHCHANDRAN)
JUDICIAL MEMBER

yd.

List of Annexures of the Applicant

- Annexure A-1 - A true copy the order F. No. 13011/1/2004-AV dated 03.10.2017 issued by the Ministry of Housing and Urban Affairs.
- Annexure A-2 - A true copy of the judgment passed by Special Judge (SPE/CBI) 1, Ernakulam in CC No. 7/2004 dated 30.12.2011 (wrongly mentioned as 30.12.2010.)
- Annexure A-3 - A true copy of the Order No. C-13011/1/2004-AV(1) dated 29.10.2012.
- Annexure A-4 - A true copy of the complainant filed by Mr. N.V. Radhakrishnan, General Manager, Government of India Press, Nashik, dated 26.10.2010.
- Annexure A-5 - A true copy of the letter No. C. 18011/1/2010-AV dated 03.01.2011 issued by the Ministry of Urban Development.
- Annexure A-6 - A true copy of the reply submitted by the applicant dated 17.11.2012.
- Annexure A-7 - A true copy of the show cause notice No. C-13011/1/2004-AV dated 22.11.2013.
- Annexure A-8 - A true copy of the reply submitted by the applicant dated 17.12.2013.
- Annexure A-9 - A true copy of the advice No. F.3/131/2016-S1 dated 11.08.2016 given by UPSC.
- Annexure A-10 - A true copy of the Memorandum F.No. 13011/1/2004-AV(Vol.II) dated 17.08.2016.
- Annexure A-11 - A true copy of the order No. A-18/A-II dated 12.05.2016.
- Annexure A-12 - A true copy of the Office Order No. B-112/A-II dated 29.12.2016.
- Annexure A-13 - A true copy of the reply dated 29.08.2016 submitted by the applicant.
- Annexure A-14 - A true copy of the Review Application dated 06.11.2017.

List of Annexures of the Respondents

Nil.
