

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION NO.11 OF 2018

DATE OF DECISION : JANUARY 3rd, 2018

CORAM : HON'BLE SHRI ARVIND J. ROHEE, MEMBER (JUDICIAL)

Kiran Champaklal Shah,
Age : 64 years,
Pharmacist (Retd) C.G.H.S.
R/at : Flat No.7, Yash Anand
Co. Op. Housing Society, G.B. Road,
Charai, Thane 400 601. **... Applicant**
(By Advocate Shri S.P.Saxena)

VERSUS

1. The Union of India,
through the Secretary,
Ministry of Health, Nirman Bhawan,
New Delhi 110 001.
2. The Additional Director
Central Govt. Health Scheme,
Old C.G.O. Bldg., Ground Floor,
South Wing, 101, M.K.Road,
Mumbai 400 020.
3. The Pay and Accounts Officer,
Govt. Medical Stores Dept.,
Near City Centre,
Mumbai Central 400 008. **... Respondents**

ORDER (ORAL)

Today, when the matter is called out for admission, heard Shri S.P.Saxena, learned Advocate for the applicant. I have carefully perused the case record.

2. In this OA, the applicant has stated chequered history regarding Disciplinary Proceeding faced by him from the year 1989, which finally culminated

in his favour vide order dated 14.02.2017 (Annexure A-5) passed by the Disciplinary Authority, the respondent No.2. The operative order of it reads as under :-

“Now therefore, the undersigned in exercise of powers vested in him under Rule 15 of the CCS (CCA) Rules 1965, hereby sets aside the charge sheet dated 19.12.1989 framed against Shri K.C.Shah, (then) Pharmacist-cum-clerk, CGHS, Mumbai and exonerates him of the single Article of charge of “Misappropriation”. I further order that as a consequence of having exonerated him of the charges framed, his service for the entire period from 25.08.1989 to 30.09.2013, i.e. till the date of superannuation and dismissal be treated as duty period for all purposes such as drawing of normal increments, promotions and other career benefits.”

3. It is the contention of the applicant that although he is exonerated of the charge, no monetary benefits were extended to him, although after retirement in 2013, the applicant was sanctioned Provisional Pension, which according to him is also withdrawn from October, 2017.

4. In the OA, the following reliefs are sought by the applicant :-

“8(a) To allow the application.

(b) To direct the Respondents to pay the difference of pay and allowances arising due to pay fixation done by the Respondents vide order dt.21.02.2017 for the period 01.03.1989 till 30.09.2013,

(c) To direct the Respondents to pay the Gratuity to the Applicant amounting to 18 ½

months salary in terms of Payment of Gratuity Act, 1972, since the Applicant has rendered over 37 yrs. of service with the Respondents.

(d) *To direct the Respondents to pay leave encashment amount in respect of 192 days of earned leave, which was to Applicant's credit on the date of his superannuation.*

(e) *To direct the Respondents to revise the pension of the Applicant w.e.f. 01.01.2016 and issue fresh PPO accordingly.*

(f) *To direct the Respondents to pay the difference of amount of pension payable to the Applicant and the actual amount of pension paid since 01.10.2013 till date, including that after revised pension from 1.01.2016.*

(g) *To direct the Respondents to pay the C.G.E.I.S. amount which has been in the credit of the Applicant,*

(h) *To award 18% of interest on all the arrears amount and retiral benefits, considering the fact that, Disciplinary Authority has set aside the Charge sheet itself vide its order dt.14.02.2017 and the Applicant stands exonerated by the Disciplinary Authority.*

(i) *To award exemplary cost to the applicant for his harassment since 1989 till 2017 and finding him not guilty by the Disciplinary Authority, and considering that, inquiry took nearly 28 yrs., to be completed by the Respondents.”*

5. It is stated by the learned Advocate for the applicant that after the order dated 14.02.2017, he submitted a representation dated 12.08.2017 (Annexure A-7) to the respondent No.2 with a request to release the benefits granted to him as per order dated 14.02.2017. However, according to the applicant, nothing has been heard from the other end and nothing is paid to him so far.

6. In view of this, the respondents Nos.2 and 3 are directed to consider the said representation dated 12.08.2017 in the light of the order dated 14.02.2017 and extend all the benefits mentioned therein to the applicant, within a period of six weeks from the date of receipt of certified copy of this order, in accordance with relevant rules.

7. Necessary office orders be passed in this behalf and the same be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum in case his grievance still persists.

8. The OA stands disposed of with the above directions at the admission stage, without issuing notice to the respondents.

9. Registry is directed to forward copy of this order to both the parties at the earliest for taking necessary steps in the matter.

(Arvind J. Rohee)
Member (Judicial)

*kmg**

