

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/000982/2016

DATED THIS THE 24TH DAY OF OCTOBER, 2018

**HON'BLE DR.K.B.SUERSH
HON'BLE SHRI DINESH SHARMA**

**...MEMBER(J)
...MEMBER(A)**

B.M. Ananda,
Aged about 69 years,
S/o late B.S. Madhava Rao,
Retd. DDI, Now residing at
207, Bombay House,
Basavanagudi,
Bangalore-560004.

...Applicant

(By Advocate Shri Ranganatha S. Jois)

Vs.

1. Union of India
Rep. by its Secretary,
Ministry of Corporate Affairs,
'A' Wing, Shashtri Bhavan,
5th floor, Dr. Rajendra Prasad Road,
New Delhi – 110 001.
2. The Central Vigilance Commission,
Satarkata Bahvan,
GPO Complex, 'A' Block,
New Delhi-110 023.

...Respondents

(By Standing Counsel Shri Vishnu Bhat for Respondents)

ORDER (ORAL)

HON'BLE DR.K.B.SURESH ...MEMBER(J)

Heard. The matter is in a very short compass. Whether following the conviction, pension can be stopped or not is the issue. Normally under Rule 19,

when the conviction intervenes while in service, the said person can be dismissed from service. But in this case, as she has already retired by then, the Disciplinary Authority will not get the opportunity to dismiss him from service. But then the next best thing is stoppage of pension. That apparently the authority is eligible to impose on him. Needless to say that if the conviction is set aside, it will be taken as the applicant had been reinstated back into service and then he will be eligible to the entirety of pension including arrears if any, but that depends on the order of the Hon'ble Appellate Court. At this point of time we need not consider that issue.

2. The applicant submits that this benefit of provisional pension has been allowed to several others. They are not in the party array, nor any details available regarding their similarity with the applicant. As such we cannot adjudicate on this aspect at all.

3. Therefore, OA lacks merit. Dismissed. No costs.

(DINESH SHARMA)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

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Annexures referred to by the Applicant in OA No.170/00982/2016

1. Annexure A1 : Copy of the order dated 26.11.2012 in OA.No.181/2012
2. Annexure A2 : Copy of the order dated 3.3.2016 in Crl. A.No.3011/2016
3. Annexure A3 : Copy of the memo dated 6.5.2016.
4. Annexure A4 : Copy of the reply to memo dated 18.5.2016.
5. Annexure A5 : Copy of the order dated 16.09.2016.
6. Annexure A6 : Copy of the representation dated 6.10.2016.
7. Annexure A7 : Copy of the impugned dated 28.10.2016.

Annexures referred to by the respondents

1. Annexure R1 : Copy of the Authorization dated 3.1.2017.
2. Annexure R2 : Copy of the letter from C.B.I. Bangalore dated 21.04.20105.
3. Annexure R3 : Copy of the S.P., CBI, Bangalore's Investigation Report.
4. Annexure R4 : Copy of the CVC's first stage Advice dated 6.6.2007.
5. Annexure R5 : Copy of the order of sanction for prosecution dated 28.6.2007.
6. Annexure R6 : Copy of the Charge Sheet for Regular Departmental Action dated 31.8.2007.
7. Annexure R7 : Copy of the Appointment order of inquiry officer (Sh. Samir Sahai) dated 31.8.2007.
8. Annexure R8 : Copy of the Appointment order of inquiry officer (Sh. G.C. Rai).
9. Annexure R9 : Copy of the order of Hon'ble CAT, Bangalore Bench in OA.No.181/2012 dated 26.11.2012.
10. Annexure R10 : Copy of the judgement of Hon'ble Court of Addl. City Civil Judge and Special Judge for CBI cases, Bangalore dated 30.1.2016.
11. Annexure R11 : Copy of the Rule 9 CCS (Pension) Rules, 1972.
12. Annexure R12 : Copy of the Memorandum giving opportunity for making representation by Sh. B.M. Anand.
13. Annexure R13 : Copy of the Representation of Sh. B.M. Anand.
14. Annexure R14 : Copy of the Rule of CCS (Pension) Rules, 1972
15. Annexure R15 : Copy of the representation of Sh B.M. Anand dated 5.10.2016.
16. Annexure R16 : Copy of the Penalty order dated 28.10.2016.
17. Annexure R17 : Copy of Rule 19 of CCS (CCA) Rules, 1965.

18. Annexure R18 : Copy of the DoP&T's O.M. No.371/2392-VD.III dated 4.3.1994.
19. Annexure R19 : Copy of the DoP&T's O.M. No.11012/6/2007-Estt (A-III) dated 21.7.2016.
20. Annexure R20 : Copy of Apex Court's judgment dated 2.9.1997 in UOI and others vs. Shri Ramesh Kumar.