

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1288/2016 & MA No.49/2017

Dated Friday, the 25th day of January, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

C. Chakkaravarthy

Assistant Engineer (Retired)

Public Works Department

Puducherry – 605 001.

...Applicant

By Advocate M/s P. Suresh

Vs.

1.1. Union of India represented by

The Government of Puducherry through

The Chief Secretary to Government

Chief Secretariat

Puducherry – 605 001.

2. The Secretary to Government (Works)

Chief Secretariat

Puducherry – 605 001.

3. The Secretary

Ministry of Home Affairs

North Block

New Delhi – 110 001.

4. The Secretary

Union Public Service Commission
Dholpur House, Shahjahan Road
New Delhi – 110 069.

...Respondents

By Advocate Mr. R. Syed Mustafa (R1&R2)

Dr. M. Devendran (R4)

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- “i. Allow the present OA and to quash and set aside the order No. F. No.U.14033/3/2009-GP/CPD dated 19.05.2016 of the third respondent along with the charge memorandum No. 212/PW1/A1/04 dated 21.10.2005 of the second respondent
- ii. direct the respondents to grant all consequential benefits including ACP/MACP to the applicant on and from the dates they become due to him including arrears of pay and allowances; and
- iii. direct the respondents to grant interest to the applicant on the amount of such arrears.”

2. It is submitted that the applicant is identically placed as one D.Kuppusamy, Assistant Engineer whose case was considered by this Tribunal in OA 1289/2016 and by an order dated 05.06.2017, the respondents were directed to pass a reasoned and speaking order on the appeal filed by the applicant therein against the orders of the disciplinary authority within two months from the date of receipt of copy of the order. It was stated that in the mean time, the applicant therein shall be entitled to release of his retirement benefits based on his last emoluments as arrived at after taking into account the effect of the order of penalty imposing stoppage of three increments with cumulative effect. Necessary authorisation in this regard was directed to be issued within a period of fifteen days from the date of receipt of a copy of the order. In the event of the applicant therein succeeding fully or partially in the appeal, the

difference in his entitlement was also directed to be worked out and arrears paid to him accordingly.

3. Learned counsel for the applicant would further submit that in the case of the applicant, his retirement benefits had already been released and, therefore, he would be satisfied if a similar order is passed as in the case of the said Kuppusamy directing the respondents to decide the appeal filed by the applicant against the order of the disciplinary authority on merits within a time limit to be set by this Tribunal.

4. Learned counsel for the respondents would, however, submit that the case of the said Kuppusamy was pending in Writ petition 1142/2018 filed before the Hon'ble Madras High Court and the applicant could claim similar benefits as in order dated 05.06.2017 of this Tribunal in OA 1289/2016 only if and when the same is upheld by the Hon'ble High Court.

5. We have considered the matter. It is not in dispute that the applicant has already been granted his retirement benefits. As for the pendency of the appeal filed against the orders of the disciplinary authority, though we are inclined to pass a similar order, it may not serve any useful purpose as the matter relating to the applicant would also be taken up in a writ petition before the Madras High Court, the applicant being identically placed as per his own claim. In such circumstances, we are of the view that the respondents may decide the appeal filed by the

applicant herein in terms of the order to be passed by the Hon'ble Madras High Court in the said WP 1142/2018 if the applicant is identically placed.

6. OA is disposed of as above. Consequently MA 49/2017 filed for interim direction is closed.

(P.MADHAVAN)
MEMBER(J)

25.01.2019

M.T.

(R.RAMANUJAM)
MEMBER (A)