

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1589/2018

Dated Wednesday, the 5th day of December, 2018

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

P.Dharmalingam,
No.151, Vazhudavur Road,
New Kavundampalayam,
Puducherry 605 009.

...Applicant

By Advocate M/s C.K.Chandrasekkar

Vs.

1.Union of India,
Rep., by Deputy Secretary to Government of India,
President Secretariat, Rashtrapathi Bhavan,
New Delhi 110 004.

2.The Deputy Secretary to Government of India,
Ministry of Home Affairs (UT Division),
North Block, Government of India,
New Delhi 110 001.

3.The Secretary to Government,
Local Administration Department,
Government of Puducherry,
Puducherry 605 001.

4.The Director,
Local Administration Department,
Government of Puducherry,
Puducherry.

...Respondents

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

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

“To direct the third and fourth respondents to release the terminal benefits and all other attendant service benefits due to the applicant with interest, after duly considering his representation dated 20.08.2018 and pass such other orders or directions as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case, award costs and thus render justice.”

2. It is submitted that the applicant had previously filed OA 1585/2011 which was disposed of by Annexure A-2 order of this Tribunal dated 02.06.2015 directing the respondents to pursue the vigilance matter against the applicant vigorously. It was also stated in the order that if no final order is passed by the competent authority in the proceedings against the applicant within a period of six months from the date of receipt of a copy of the order, the proceedings shall be deemed to have terminated.

3. Attention is drawn to the RTI information provided to the applicant at Annexure A-3 wherein as on 25.07.2017, it was stated that reply was yet to be received from the Government of India on the report of enquiry submitted by the competent authority. Accordingly, departmental proceedings against the applicant must be deemed to have lapsed and the respondents had no escape from issuing an order to this effect and releasing the terminal benefits of the applicant. The applicant made

Annexure A-4 representation in this regard dated 20.08.2018 which was unanswered till date. Accordingly, the applicant would be satisfied if the respondents are directed to pass orders in accordance with the directions of this Tribunal in OA 1585/2011 dated 02.06.2015 within a time limit to be set by this Tribunal.

4. On perusal, it is seen that this Tribunal had disposed of OA 1585/2011 with a clear direction to the respondents to pursue the matter vigorously and complete the proceedings expeditiously. It was also directed that if no final order was passed by the competent authority in the proceedings against the applicant within a period of six months from the date of receipt of a copy of the order, the proceedings shall be deemed to be terminated. As such, unless the respondents had challenged this order successfully in the higher courts, the order of this Tribunal would prevail.

5. In the above circumstances, we are of the view that the applicant is entitled to a firm and final response to his Annexure A-4 representation dated 20.08.2018. Accordingly, we direct the respondents to pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order, in accordance with law and in the light of the directions contained in the order of this Tribunal dated 02.06.2015

in OA 1585/2011 unless such order had been reviewed/modified/set aside by any higher court.

6. The OA is disposed of accordingly.

(P.MADHAVAN)
MEMBER(J)

(R.RAMANUJAM)
MEMBER (A)

05.12.2018

M.T.