

CENTRAL ADMINISTRATIVE TRIBUNAL
RANCHI CIRCUIT BENCH
OA/051/00149/2019

Date of order : 15.02.2019

C O R A M

Hon'ble Shri Jayesh V. Bhairavia, Member [Judicial]
Hon'ble Shri Dinesh Sharma, Member [Administrative]

Jai Prakash Narayan Sinha, son of Late Bal Krishna Prasad, aged about 60 years, resident-cum-office at Van Bhawan, Post-Doranda, PS-Doranda, District-Ranchi.

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Applicant.

By Advocate : Shri Ravi Kumar Singh

Vs.

1. The State of Jharkhand, through the Chief Secretary, Government of Jharkhand, Office situated at Project Bhawan, Post and Police Station-dhurwa, District-Ranchi, Jharkhand.
2. The Additional Chief Secretary, Department of Forest, environment and Climate Change, Office situated at Nepal House, Post-Doranda, PS-Doranda, District-Ranchi.
3. The Principal Chief Conservator of Forest, Government of Jharkhand, Van Bhawan, Post-Doranda, PS-Doranda, District-Ranchi.
4. The Union of India through Ministry of Environment, Forest and climate Change, New Delhi.
5. The Accountant General (Accounts & Entitlement), Jharkhand, Office situated at Doranda Ranchi, Post and Police Station-Doranda, Ranchi.

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Respondents.

By Advocate : Shri H.K.Mehta, Id. Sr. SC

O R D E R [oral]

Per Jayesh V. Bhairavia , Member [J] : Heard the parties. In the instant OA, the applicant has contended that he retired from service on

31.01.2018 while working as Conservator of Forest, Social forestry, Planning, Monitoring and Evaluation Circle, Ranchi. The grievance of the applicant is that the respondents have withheld entire amount of admissible gratuity and 10% pension due to pendency of two departmental proceedings. It is submitted by the learned counsel for the applicant that pendency of disciplinary proceedings cannot be a ground for withholding the gratuity. He further contended that in the case of Ram Pratap Singh (OA/051/00107/2017 decided on 30.11.2018), this Tribunal has directed the respondents to release the gratuity amount to the applicant even the criminal case was pending against the applicant and, therefore, requested that applicant will be satisfied if appropriate direction will be issued to the respondents for considering his claim for withheld gratuity and withheld 10% pension.

2. On the other hand, Shri H.K. Mehta, learned Sr. Standing Counsel submits that the claim of the applicant will be considered in accordance with the rules as also under the law laid down by the Hon'ble Apex Court in regard to withholding of gratuity due to pendency of disciplinary proceeding.

3. Considering the factual matrix of the present case, the respondent no. 2 is hereby directed to treat this OA as additional

representation of the applicant and pass appropriate order with respect to the claim of applicant for release of gratuity and 10% pension which has been stated to be withheld in light of existing rules as well as the order passed by this Tribunal in OA 107/2017 on 30.11.2018 (Annexure A/4). It is expected that respondents shall take decision within sixty days from today.

4. In view of the above, the OA is disposed of with no order as to costs.

[Dinesh Sharma]M[A]

[Jayesh V. Bhairavia]M[J]

pkl.