

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00959/2019
Chandigarh, this the 13th day of September, 2019

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

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Sushil Kumar son of Late Sh. Gurdas Ram, aged 58 years, resident of House No. 1226, Sector 23-B, Chandigarh – 160023.

....Applicant

(Present: Mr. D.R. Sharma, Advocate)

Versus

1. Secretary, Printing and Stationery Department, U.T. Secretariat, Sector 9, Chandigarh – 160009.
2. The Controller, Printing and Stationery Department, U.T. Sector 18-B, Chandigarh – 160018.
3. Assistant Controller, Finance and Accounts, Printing and Stationery, Government Press, Sector 18, Chandigarh – 160018.

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Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Applicant is aggrieved against the order dated 09.08.2019 (Annexure A-1) whereby the respondents have rejected his claim for release of retiral benefits.
2. Heard.
3. Learned counsel submitted that the applicant was involved in a criminal case FIR No. 1 dated 09.02.2012 under Section 420, 465, 467, 468, 471, IPC and 13(1) d of PC Act, 1988. He was placed under suspension 03.04.2012 and later it was revoked on 23.10.2012. On his acquittal in the criminal case by Special Judge, Chandigarh vide judgment dated 12.10.2015, the respondents have passed order dated 04.01.2016 whereby the suspension period of the applicant from 03.04.2012 to 23.10.2012 was treated as duty period for all intents

and purposes. He contended that the appeal (CRA-AD No. 44 of 2016) filed by the State against the acquittal order has already been dismissed by the Hon'ble Jurisdictional High Court vide order dated 18.07.2019 but despite that the respondents have not released full pension and other retiral benefits, which is arbitrary and illegal. He argued that once applicant has been acquitted, the respondents ought to have released all the pensionary benefits to the applicant. He prayed that a direction be issued to the respondents to re-consider the claim of the applicant in accordance with law.

4. Considering the short prayer made by the learned counsel for the applicant, coupled with the fact after acquittal of the applicant in the criminal case and dismissal of appeal there against, there is nothing against him, I deem it appropriate to dispose of the O.A., with a direction to the respondents to re-consider the claim of the applicant in the light of latest order dated 18.07.2019 passed in Criminal Appeal (CRA-AD No. 44 of 2016) and if he is found entitled to the benefits claimed, in accordance with law, the same be granted to him.

5. The above exercise be carried out within a period of 30 days from the date of receipt of a copy of this order. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 13.09.2019

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