

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00658/2019
Chandigarh, this the 3rd day of July, 2019

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

Smt. Birmati aged 60 years wife of Late Sh. Om Parkash S.I. No. 217
CHG (since Deceased) Resident of House No. 196 Mannat Enclave,
Zirakpur, District Mohali (Group C)

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....Applicant

(Present: Mr. Jagbir Malik, Advocate)

Versus

1. Union Territory, Chandigarh through its Secretary, Home Department, Union Territory Secretariat, Sector 9, Chandigarh – 160009.
2. Director General of Police, Police Headquarters, Union Territory, Chandigarh – 160009.
3. Senior Superintendent of Police, Police Headquarters, Union Territory, Chandigarh – 160009.
4. Inspector General of Police, Police Headquarters, Union Territory, Chandigarh – 160009.

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Respondents

(Present: Mr. Arvind Moudgil, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. The widow of a deceased employee Sh. Om Parkash, is before this Tribunal, challenging the order dated 04.03.2015 (Annexure A-1) whereby the authorities had compulsorily retired her deceased husband, during his life time, vide order dated 04.03.2005, consequent to registration of an FIR against him in a criminal case on 03.01.2005. .

2. Learned counsel submitted that the Special Judge, CBI Court Chandigarh, vide order 22.01.2009 (Annexure A-4) convicted the applicant. Applicant preferred an appeal against the order of the CBI Court which was allowed by the Hon'ble Jurisdictional High Court, acquitting the applicant from all the charges, vide order dated 29.05.2015, thus he was entitled to all the consequential benefits as if it no adverse order was passed against him. Learned counsel, in support of his claim, has also placed reliance upon a judgment of the Hon'ble High Court in the case of **Ram Singh Vs. State of Punjab and Others**, 2016 (4) SCT 426. Since the applicant expired on 08.03.2011, during the pendency of litigation, his wife approached the respondents, for withdrawal of order of compulsory retirement of her deceased husband, in view of his acquittal in the criminal case, vide representation dated 28.09.2016(Annexure A-11), followed by a legal notice dated 11.09.2017 (Annexure A-12), but nothing has been done so far.
3. Learned counsel has made a statement at the bar that the applicant would be satisfied if a direction is issued to the respondents to consider and decide legal notice served by him, within a time frame.
4. Issue notice to the respondents.
5. At this stage, Mr. Arvind Moudgil, Advocate, appears and accepts notice on their behalf. He does not object to the disposal of the O.A., in the above terms.
6. In the wake of above, we dispose of this O.A., in limine, with a direction to the respondents, to consider the indicated

representation and legal notice (Annexures A-10 & A-11), served by the applicant, in accordance with law and judgment relied upon by her, within a period of two months from the date of receipt of a copy of this order. If the applicant is found entitled to the relevant benefits, the same be granted to her within a period of one month thereafter, otherwise a reasoned and speaking order be passed on her claim.

7. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case.

No costs.

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