

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 13th day of December Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A. 310/1242/2018

Dr. Balaji IFS (Retired)
F/303 AIS Housing Complex,
Near Natesan Nagar,
Virugambakkam,
Chennai-600 092.

....Applicant

(By Advocate: Mr. M. Ravi)

Versus

1. Union of India,
Rep. by Secretary to Government of India,
Ministry of Environment and Forests,
Secretariat, New Delhi- 110 003;
2. Government of Tamilnadu,
Rep. by Principal Secretary to Government,
Environment and Forests Department,
Secretariat, Chennai- 600 009;
3. The Principal Chief Conservator of Forest,
(Head of the Department),
Chennai- 600 009;
4. The Principal Accountant- General (A&E),
TamilNadu, Chennai- 600 018.

...Respondents

(By Advocate: Mr.Su. Srinivasan)

O R A L O R D E R

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

Heard counsel for the applicant and Mr.Su. Srinivasan, Ld. Sr. CGSC who takes notice for the respondents.

2. Applicant has filed this O.A. seeking the following relief:-

"to issue directions to the respondents to grant all retirement and pensionary benefits to the applicant after withholding an amount of Rs. 3.60 lakhs, consequent on his retirement on 31.07.2017 AN as per G.O. Ms. No. 94, Environment & Forest (FR. Spl. A) Department, dt 28.07.2017 of the second respondent within a limited time frame as deem fit by this Hon'ble Tribunal and to take decision on the withheld amount subject to the outcome of Crl. Appeal No. 622/2011 pending on the file of the Hon'ble High Court, Madras and pass such further or other orders as this Hon'ble Tribunal deems fit and thus render justice."

3. It is submitted that the applicant was found guilty in S.C. No. 1/2008 by Principal District Sessions Court, Dharmapuri and was sentenced to undergo rigorous imprisonment for three years concurrently besides fine for the alleged atrocities committed to the villager of Vachathi, Harur Division, Dharmapuri District during sandalwood raid. The Hon'ble High Court of Madras in its interim order dated 11.10.2011 in Criminal Appeal No. 622/2011 filed by the applicant ordered that the substantive sentence of imprisonment alone was suspended pending disposal of the appeal and also directed him to be enlarged the bail, on condition that he would execute a bond for a sum of Rs. 10,000/- with

two sureties. The said case is still pending before the Hon'ble High Court of Madras. In the meantime, the respondents had issued Annexure-A/3, order dated 28.07.2017 permitting him to retire from service on the date of his superannuation on 31.07.2017.

4. Learned counsel for the applicant would submit that one Sri M. Harikrishnan, accused No.1 in the same Criminal case was also convicted along with the applicant with the same sentence of rigorous imprisonment of three years along with imposition of fine. He was also proceeded against under the All India Services (Death-cum-Retirement Benefits) Rules 1958. He was issued with a show cause notice by the second respondent dated 22.11.2013 calling upon him as to why the State Government should not recommend to the Government of India to impose a cut of Rs. 10,000/-per month in the pension for a period of three years as provided under the All India Services (Death cum Retirement benefits) Rules, 1958. Accordingly, the applicant in this case would submit that even if a similar penalty is to be imposed on him, the amount that would need to be recovered from the applicant over a period of 36 months would be Rs. 3.60 Lakhs. The same may be withheld from the retirement and pensionary benefits due to the applicant and the balance may be paid to him , it is urged.

5. On perusal, it is seen that the applicant had made Annexure-A/4, representation dated 16.01.2018 in this regard. The order of the second respondent dated 28.7.2017 clearly states that the applicant's case had

been examined with reference to the All India Services (Discipline and Appeal) Rules 1969 and a proposal was sent to the first respondent for passing orders which was still awaited as on that date. It appears that no decision has been taken by the 1st respondent on the proposal till date and details of the proposal are also not before the Tribunal.

6. In the above facts and circumstances of the case, I am of the view that it is premature for the Tribunal to go into the substantial merits of the case. Accordingly, I deem it appropriate to dispose of this OA at the admission stage with a direction to the respondents to consider Annexure-A/4 representation of the applicant dated 16.01.2018 and pass a reasoned and speaking order in accordance with law within a period of six weeks from the date of receipt of copy of this order.

7. OA is disposed of with the above direction. No costs.

(R. RAMANUJAM)
MEMBER (A)

Asvs.

13.12.2018