

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.547 of 2003

New Delhi, this the 12th day of March, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri A.P. Nagrath, Member (A)

Mr. Nalin Ji Verma
S/o Shri R.N. Lal
R/o A4C/85, Janak Puri,
New Delhi.Applicant
(By Advocate : Mrs. Avnish Ahlawat for Shri Mohit
Madan)

Versus

Union of India, through
1. Chief Secretary,
Govt. of NCT of Delhi,
New Delhi.
2. Director
Directorate of Education,
Govt. of NCT of Delhi,
New Delhi.
3. Secretary Services,
Govt. of NCT of Delhi,
New Delhi.Respondents

ORDER (ORAL)

By Shri Justice V.S. Aggarwal, Chairman :

The applicant was in Grade-II (E) of Delhi Administrative Subordinate Service. He has been suspended because of a pending case registered against him with respect to the offence punishable under Section 161 Indian Penal Code read with Section 5 of the Prevention of Corruption Act, 1947. The learned counsel contends that the suspension order has since been revoked on 16.1.1992. The applicant superannuated on 30.6.2000. Only provisional pension had been sanctioned keeping in view the pending case referred to above against the applicant. On 16.2.2001, the applicant is stated to have been acquitted by the Special Judge, Delhi of the aforesaid charges.

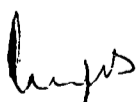
LS Ag

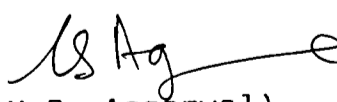
2. The grievance of the applicant is that despite his having been acquitted, only provisional pension is being paid and the respondents have not taken a decision to pay to the applicant the commutation of pension, gratuity, pay and allowances of the suspension period starting from 1987 onwards and also the promotion that would be accrued to him.

3. The respondents are stated to have not taken any decision in this regard despite the representations of the applicant. One such representation dated 22.6.2002 (Annexure I) is on record. If that is so, it would be appropriate, at this stage, to direct the respondent No.2 to pass a speaking order pertaining to the retiral benefits of the applicant and respondent No.3 to consider and take an appropriate decision with regard to any promotion due to the applicant, in accordance with law. The decision should be taken within six months from the date of receipt of a certified copy of the present order and communicate it to the applicant. Applicant, if so advised, within 15 days, may send a supplementary representation.

4. If any decision had already been taken in this regard, the same be communicated to the applicant.

5. With these directions, the present OA is disposed of at the admission stage itself.


(A.P. Nagrath)
Member (A)


(V.S. Aggarwal)
Chairman