
(2019) 08 CAT CK 0012

In the Central Administrative Tribunal

Case No : Original Application No. 2316 Of 2018

Chandra Prakash Srivastava

APPELLANT

Vs

Union Of India And Anr

RESPONDENT

Date of Decision : 08-08-2019

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 420

Citation : (2019) 08 CAT CK 0012

Hon'ble Judges : Nita Chowdhury, Member (A)

Bench : Single Bench

Advocate : Yogesh Sharma

Final Decision : Disposed Off

Judgement

1. The applicant has filed this OA, seeking the following reliefs:-

A. To direct the respondents to release the retiral dues of the applicant including leave encashment, gratuity, leave commutation etc. in terms of OM F.N. C-14010/2/2010-Ad.V, dated 18.1.2011 issued by the Ministry of Finance, in the interest of justice.

B. To direct the respondents to consider the representations of the applicant in terms of OM F.No. C-14010/2/2010-Ad.V, dated 18.1.2011 issued by the Ministry of Finance, in the interest of justice.

C. Any other relief the Hon"ble court deems fit and proper in the facts and circumstances of the case."

2. The respondents had comprehensively contested the matter and also informed through their CA that the applicant was involved in a criminal case before the Patiala Courts under Section 120 B/420 IPC. They have clearly stated that due to the above factual position, the vigilance clearance, which is prerequisite for settlement of retiral dues, was not given. Hence, the retiral dues could not be given completely and they had granted part payments of the retiral dues as per

rules as stated in Annexure R-1.

3. Today, when the matter is taken up for hearing, counsel for the applicant places a copy of the completion of the court proceedings against the applicant of this OA on 16.07.2019 whereby he was acquitted in the aforesaid criminal case less than a month ago. As per his representation given subsequent to the said acquittal, he now presses the authorities to release his retiral dues.

4. In view of the above factual position, without making any comment on the merits of the case, we direct the respondents to examine the representation of the applicant and dispose of the same vide a reasoned and speaking order within a period of 90 days of receipt of a certified copy of this order.

5. With the above directions, the OA stands disposed of. No order as to costs.