

(2022) 05 CAT CK 0052

In the Central Administrative Tribunal

Case No : Original Application No. 330, 00490 Of 2022

Ramnaresh

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 30-05-2022

Acts Referred:

Indian Penal Code, 1860 — Section 143, 448, 467, 468

Citation : (2022) 05 CAT CK 0052

Hon'ble Judges : Pratima K Gupta, Member, J

Bench : Single Bench

Advocate : P.M. Tripathi, Chakrapani Vatsyayan

Final Decision : Disposed Of

Judgement

Pratima K Gupta, Member (J)

1. Shri P.M. Tripathi, learned counsel for the applicant and Shri Chakrapani Vatsyayan, learned counsel for the respondents, are present.

2. The present original application has been filed by the applicant seeking following reliefs:

"A) to issue a writ, order or direction in the nature of mandamus directing the respondents to release entire post retiral dues of the applicant including pension, gratuity, leave encashment and general provident fund etc. with interest within a period to be fixed by the Hon'ble Court.

B) to issue a writ, order or direction in the nature of mandamus directing the respondents to decide the pending representations of the applicant lastly preferred on 09.11.2019 duly received in the office of the respondents.

C) to issue any other suitable writ, order or direction in the facts and circumstances of the case which this Hon'ble Tribunal may deem fit and proper.

D) To award the cost to the applicant."

3. The brief facts leading to this O.A. are that the applicant retired from the post of Fitter – I (Mechanical) on 31.08.2013. Prior to his retirement, an FIR dated 12.08.2011 was lodged against him along with other persons for alleged offences under sections 467, 468, 448 and 143 of I.P.C. at Police Station Shahpur, District Gorakhpur. The charge sheet has already been filed in the said FIR. However, the proceedings in the same have been stayed by the Hon'ble High Court of Allahabad and accordingly the proceedings are still pending in the competent criminal court. The learned counsel for the applicant submits that applicant had sought release of his retiral dues by way of a representation dated 09.11.2019 which is lying pending before the respondents for consideration. Learned counsel for the applicant further submits that since the criminal proceedings are lying pending for almost 11 years now and are yet to be concluded, the applicant is suffering on account of the said pendency. At this stage, the learned counsel for the respondents submits that the retiral dues of the applicant have not been released on account of the criminal proceedings pending against him and the same can only be released after the said proceedings are finalized.

4. After arguing for some time, the learned counsel for the applicant submits: At this stage, he is confining his relief to Para 8 (B) of his Relief, as has been reproduced above, whereby he has sought disposal of his pending representation dated 09.11.2019 by way of passing a reasoned and speaking order.

5. Heard the learned counsel for the parties and perused the documents available on record.

6. In view of the limited prayer made by the learned counsel for the applicant that the respondents may be directed to decide the pending representation dated 09.11.2019 of the applicant, it would be in the fitness of things to dispose of this matter at the admission stage itself. Accordingly, the instant O.A. is disposed of with a direction to the respondents to decide the pending representation dated 09.11.2019 of the applicant within a period of 12 weeks from the date of this Order in accordance with rules governing the subject by way of a reasoned and speaking order. It is made clear that I have neither examined the claim of the applicant on its merits nor made any comments on the same.

7. With the above directions, Original Application No. 490 of 2022 is disposed of.

8. There shall be no order as to costs.