

(2021) 02 CAT CK 0022

In the Central Administrative Tribunal

Case No : Original Application No. 1765 Of 2020

T.W. Sudhakar (Retd.)

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 01-02-2021

Acts Referred:

Citation : (2021) 02 CAT CK 0022

Hon'ble Judges : Pradeep Kumar, Member (A)

Bench : Single Bench

Advocate : Harsh Panwar, B L Wanchoo

Final Decision : Disposed Of

Judgement

Pradeep Kumar, Member (A)

1. The applicant was appointed as Assistant Director General in the Ministry of Tourism in the year 2005. He was deputed at Johannesburg, South

Africa as Director for a period of three years vide order dated 17.10.2008. After his repatriation to India, a major penalty chargesheet was issued to

him on 17.02.2015 alleging certain financial irregularities while he was working at Johannesburg. A total of seven charges were laid. Commissioner

for departmental enquiry, who is a functionary under CVC, was appointed to conduct the enquiry. The said enquiry report has since been submitted to

the competent authority on 28.11.2019. As per the conclusion, none of the charge has been proved.

Meanwhile, the applicant has superannuated on 31.10.2017.

Applicant has preferred the instant OA pleading that provisional pension has not been released to him. Prayer has also been made for release of

certain other retiral dues. Applicant has also pleaded that he has not been issued

the CGHS card, which is needed, his family being old now. The applicant has also submitted his representation dated 26.10.2020 seeking provisional pension and CGHS card, which has not been replied to as yet.

The respondents have submitted their counter reply in which it is brought out that the applicant superannuated while he was working as Director,

Tourism at Bangalore, who is the senior most officer in that office. Somehow, the gratuity and commutation of pension has since been paid, despite

pendency of said chargesheet.

In respect of provisional pension, the respondents have pleaded that the same is under process at Regional Office, Bangalore from where the

applicant has superannuated and its passage may take some time.

2. Matter has been heard at length. Sh. Harsh Panwar, learned counsel represented the applicant and Sh. B.L.Wanchoo, learned counsel represented the respondents.

3. As brought out, a major penalty charge sheet was pending against the applicant at the time he had superannuated. Even though, the enquiry report

has since been submitted, yet the disciplinary proceeding has not come to a close. Under such conditions, provisional pension is required to be paid. It

is noted that respondents have already initiated action for the same.

4. In view of the foregoing, OA is disposed of with direction to the respondents to pass a reasoned and speaking order, on the pending representation

dated 26.10.2020, in respect of provisional pension and CGHS card facility, within a period of six weeks of receipt of this order, under advice to the

applicant. The applicant shall have liberty to approach the Tribunal, if some grievance in respect of these two items, still subsists.