

A.S. SASTRY  
v.  
CHIEF COMMNR. OF INCOME TAX AND ORS.

MARCH 20, 2007

[DR. AR. LAKSHMANAN AND ALTAMAS KABIR, JJ.]

*Service Law:*

*Pension—Petition filed by pensioner before his retirement from service in Central Administrative Tribunal against charges in a departmental inquiry—Filing of a petition before High Court for directions to CAT for early hearing—High Court directing CAT to consider the request of the incumbent for early hearing of the matter and also directed the authorities to release pension—CAT declined to grant early hearing nor pension was released by the authorities—On appeal, Held: Tribunal is directed to dispose of the matter within two months—Authorities are directed to release pension and also to make payment of arrears of pension—In regard to the permission to travel abroad to meet other family members as sought by the incumbent before this Court, incumbent may file an application before the Tribunal seeking such permission—Tribunal is also directed to dispose of the same at the earliest in accordance with law.*

**Appell'ant was retired from service on 30.11.2005. Before his retirement, in a departmental inquiry charges were framed against him, which were challenged by the incumbent in the Central Administrative Tribunal (CAT). Since then the petition is pending in CAT. He also made a prayer before the High Court for directions to CAT for expeditious disposal of the matter. High Court directed the authorities to release his pension and CAT to consider his request for early hearing. In spite of directions by the High Court, CAT was not inclined to grant early hearing in the matter. Hence the present appeal.**

**Disposing of the appeal, the Court**

**HELD: 1.1. The Central Administrative Tribunal is directed to take up OA No.788/2005, which is pending before it, on priority basis and dispose of the same within two months from the date of receipt of a copy of the Order**

**A** from this Court. [Para 4] [247-B-C]

**1.2. Respondent-authority is directed to immediately arrange to pay the entire arrears of pension to the incumbent since his retirement from service and continue to pay the pension. [Para 5] [247-C-D]**

**B** **1.3. Request of the incumbent to travel abroad to see the members of his family was not accepted by the Tribunal during the pendency of the proceedings. In this connection, the Tribunal is directed that if the matter is not disposed of within two months as directed by this Court, the incumbent may also make an application to the Tribunal seeking permission to travel abroad and if such an application is filed, the same shall be disposed of on merits and in accordance with law. [Para 6] [247-D-E]**

**C**

**CIVIL APPELLATE JURISDICTION : Civil Appeal No. 1527 of 2007.**

**D** From the final Judgment and Order dated 17.4.2006 of the High Court of Judicature of Andhra Pradesh at Hyderabad in Writ Petition No. 7369 of 2006.

**T L.V. Iyer, G. Ramakrishna Prasad and Suyodhan Byrapaneni for the Appellant.**

**E** **Gp. Capt. Karan Singh Bhatti, B.V. Balaram Das and Shweta for the Respondent.**

**The Judgment of the Court was delivered by**

**DR. AR. LAKSHMANAN, J. 1. Leave granted.**

**F** **2. Heard Mr.T.L.V.Iyer, learned senior counsel for the appellant and Gp.Capt.Karn Singh Bhatti, learned counsel for the respondents.**

**3. We have perused the order impugned in this appeal.**

**G** **4. According to the appellant, he is retired from service on 30.11.2005. He is facing a departmental inquiry and the same is pending for a very long time without being finally disposed of. He has also challenged the charges framed against him and the said case is also pending before the Central Administrative Tribunal, Hyderabad. Before the High Court, he also made a prayer for expeditious disposal of the matter pending before the Central Administrative Tribunal. The High Court directed the Central Administrative**

**H**

Tribunal to consider the request made by the appellant and dispose of the matter at an early date. Thereafter, an application was filed before the Tribunal to expedite hearing which was disposed of on 20.03.2006 stating that there were large number of matters pending prior to the OA filed by the appellant and, at that stage, it was not inclined to grant early hearing in the matter and that the applicant may renew his request for early hearing after three months. This order was passed by the Tribunal on 20.03.2006. The reasoning given by the Tribunal for not taking up the matter at an early date is not acceptable to us. The appellant has already superannuated on 30.11.2005. We, therefore, direct the Central Administrative Tribunal, Hyderabad to take up OA No.788/2005 on priority basis and dispose of the same within two months from the date of receipt of a copy of this Order from this Court.

5. The High Court also while disposing of the Writ Petition directed the respondent herein to pay the pension during the pendency of inquiry. It is stated by the learned counsel for the appellant that the said direction has not been complied with. We, therefore, direct the respondent to immediately arrange to pay the entire arrears of pension after retirement and continue to pay the same.

6. Learned counsel for the appellant states that even though a request has already been made to travel abroad, i.e., to U.S.A. to see the members of his family but the same was not accepted during the pendency of the proceedings. If the matter is not disposed of within two months as directed by us now, the appellant may also make an application to the Tribunal seeking permission to travel abroad and if such an application is filed, the same shall be disposed of on merits and in accordance with law.

7. The appeal stands disposed of accordingly.

8. No costs.

S.K.S.

Appeal disposed of.