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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1942/2002

New Delhi this the 29th day of July, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri V.K.Majotra, Member (A)

Shri C.L.Chimra (Retd.),
BCR Sorting Assistant,
Delhi Sorting Division,
R/O 1/6332-A, Street No.5,
East Rohtas Nagar, Shahdara,
Delhi-110032

Applicant
(By Advocate Shri Mithun Barsaley)

VERSUS

1. Union of India through its
Secretary, Department of Posts,
Ministry of Communications,
New Delhi.
2. Director,
Postal Services (R),
Delhi Circle, Meghdoot Bhawan,
New Delhi-1

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

We have heard Shri Mithun Barsaley, learned counsel for
the applicant.

2. The main grievance of the applicant in the present
OA is that the respondents have failed to pass any order in
accordance with law pursuant to the Departmental
proceedings initiated against him by Memo. dated
21.9.1994. According to him, the Enquiry has been
completed on 7.11.1999 although he submits that no copy of
the Enquiry Officer's report has been supplied to the
applicant. He has also submitted that the applicant has
been granted provisional pension in view of the aforesaid

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pending Departmental proceedings and the last order sanctioning provisional pension to the applicant was 31.5.2002. His grievance is that no final order has been passed by the respondents in the pending disciplinary proceedings and neither any terminal benefits have been granted to the applicant after his retirement on 30.11.1994. Hence, this OA.

3. From the brief facts mentioned above and the submissions made by the learned counsel for the applicant, it is seen that the Departmental proceedings initiated against the applicant by the respondents have been pending ^{an} ~~for~~ ^{for} ~~inordinate~~ long time i.e for about 8 years. It is also relevant to note that the applicant has superannuated from service on 30.11.1994 as BCR Sorting Assistant. In the circumstances of the case, we see force in the submissions made by the learned counsel for the applicant that the respondents ought to have passed appropriate orders in the aforesaid pending disciplinary proceedings, in accordance with law, which they apparently have failed to do. It is also relevant to note that according to the applicant the Enquiry has been completed by the Inquiry Officer as far back as on 17.11.1999 but the copy of the same has not been given to him to enable him to give his reply in accordance with relevant law, rules and instructions.

4. In view of what has been stated above, we consider it appropriate to dispose of this OA at this stage, without
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issuing notices to the respondents, in the interest of justice, with the following directions:-

Respondents are directed to take appropriate decision in the aforesaid disciplinary proceeding pending against the applicant which has been initiated by Memo. dated 21.9.1994 in accordance with relevant law, rules and instructions. This shall be done within three months from the date of receipt of a copy of this order, with intimation to the applicant. Further orders/ decision with regard to retiral benefits shall also be passed by the respondents thereafter expeditiously in accordance with law, rules and instructions.

V.K.Majotra

(V.K.Majotra)
Member (A)

Lakshmi Swaminathan

(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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