

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 3297/2002

This the 19th day of December, 2002

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HON'BLE SH. SHANKER RAJU, MEMBER (J)

Sh. R.K. Namdo
Retired Permanent Way Inspector,
Divisional Railway Manager,
Central Railway,
Bhopal.

(By Advocate: Ms. Meenu Mainee)

Versus

Union of India through

1. The General Manager
Central Railway,
Mumbai CST.
2. The Divisional Railway Manager,
Central Railway,
Bhopal (M.P).
3. The Executive Engineer (MD),
Central Railway,
Bhopal.

O R D E R (ORAL)

Applicant superannuated in 2000. Right from 1995 respondents have been seeking clarification and issued various stock sheets to which the applicant has filed the reply. Despite this neither any show cause notice was given nor a disciplinary proceedings was initiated. Learned counsel of the applicant places reliance on a decision of coordinate bench in Ram Jeswani vs. Union of India in OA-1057/97 which stood affirmed in CWP-3477/2001 on 18.1.2002 by the Hon'ble High Court of Delhi. Learned counsel also places reliance on a decision of the Hon'ble High Court in CWP-2868/2001 in Union of India & Others vs. Sukhbir Saran Agarwal & others decided on 16.3.2002 wherein it has been held:-

"Despite the fact that respondents had given the reply to the stock sheets, no show cause notice has been served upon him. On the basis of placing reliance on CWP-3477/2001 in S.K.Khanna vs. Union of India and others, the decision of the Tribunal was upheld wherein directions have been issued to pay DCRG, leave encashment, commutation of pension and other reliefs applicable to the applicant."

2. Having regard to the decision of the Tribunal, upheld by the Hon'ble High Court, the case in all four squarely covered by the decision of the Hon'ble High Court.

3. In the result, the OA is disposed of, at the admission stage, even without issuing notices to the respondents by directing them to release gratuity of the applicant with interest @ 12% p.a. from the date the amount of gratuity was withheld, if the same has not been withheld on any other grounds. They should follow the ratio laid down by the Tribunal as upheld by the Hon'ble High court. This exercise should be completed within a period of 3 months from the date of receipt of a copy of this order. Copy of this order alongwith OA be sent to the respondents.

S. Raju

(SHANKER RAJU)
Member (J)

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