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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2211/2002

This the 7th day of May, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Sh. Raj Singh Dahiya
S/o Sh. G.S.Dahiya,
Retired Sr. Section Engineer (Elect.)
Under Chief Project Manager
Railway Electrification
Ambala Cantt.

Presently residing at
6/3/8, Lane No.2 Dayanand Nagar,
Behadurgarh (Haryana).

(S/ Advocate: Mrs. Meenu Mainee proxy for
Sh. B.S.Mainee)

Versus

Union of India through

1. The General Manager
Central Railway
C.S.T. Mumbai.
2. The Chief Workshop Manager,
Electrical Locomotive Workshop
Central Railway
Bhusawal.
3. The Chief Project Manager
Railway Electrification
Ambala Cantt.

(E/ Advocate: Sh. E.X.Joseph, Sr. counsel with
Sh. Rajender Khatter)

ORDER (ORAL)

Applicant has filed this OA under Section 19 of the AT
Act as his grievances are that the respondents withhold his
pensionary benefits including pension, gratuity, commutation
of pension etc. although the applicant has retired finally on
superannuation on 30.6.2001. At the time of retirement,
applicant was working as Senior Section Engineer (Electrical)
in the pay scale of Rs.7450-11500 and he has retired from
service on 30.6.2001. Applicant alleges that his retiral
benefits etc. have not been paid in time and he claimed for
all retiral benefits alongwith interest.

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2. Respondents are contesting the OA. They pleaded that all the retiral benefits have been released except the gratuity which is being withheld as the disciplinary enquiry has been initiated against the applicant. It is also stated that though the provisional pension has been sanctioned but full pension has been sanctioned to the applicant.

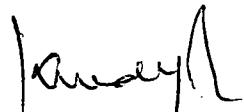
3. I have heard the counsel for the parties and have gone through the record. Counsel for respondents submitted that as per the Railway Pension rules, respondents are within their right to withhold the gratuity if any Railway dues are pending against the employee. In this case since the enquiry is pending and there is a likelihood that some dues will be recovered from the applicant, so for that reason gratuity has been withheld.

4. Counsel for the applicant submitted that the enquiry has been initiated after a period of 1-1/2 years of the retirement of the applicant, so it should have been paid to the applicant on the date of retirement or within 3 months to the applicant as per rules. Since the gratuity amount has been withheld in an arbitrary manner, so respondents should not be allowed to withhold the same. However, it is not denied that the disciplinary proceedings are pending against the applicant and applicant had also participated therein but he had asked for inspection of the documents. As per the Railway Rules with regard to the holding of gratuity is concerned, there is a specific provision that the railway can withhold the gratuity pending the vigilance clearance of the employee.

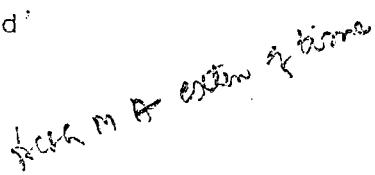
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5. So keeping in view these circumstances, I find that this OA can be disposed of with a direction to the respondents to expedite the enquiry and to pass a final order within a stipulated period. Counsel for applicant also agrees to the same.

6. Accordingly, I dispose to the OA with the direction to the respondents to pass a final order on the enquiry within a period of 4 months from the date of receipt of a copy of this order. It is made clear that no further extension shall be granted and in case the applicant is exonerated then all the consequences shall follow and amount of gratuity shall be released to the applicant.


(KULDIP SINGH)
Member (J)

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KULDIP SINGH