

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1914/1999

New Delhi this the 20th day of April, 2001.

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri Govindan S. Tampi, Vice Chairman(A)

Shri Balwinder Singh
Ex-Inspector of Factories
Labour Department, Govt. of
NCT of Delhi R/O 694, Permanand
Colony, Delhi

..Applicant

(By Advocate Shri Y.D. Nagar)

VERSUS

1. Government of National Capital Territory of Delhi through its Secretary, 5, Sham Nath Marg, Delhi-110054
2. The Chief Secretary, Govt. of NCT of Delhi, 5, Sham Nath Marg, Delhi-110054
3. The Labour Commissioner, Cum-Secretary(Labour), Govt. of NCT of Delhi, 15, Rajpur Road, Delhi-54
4. Shri Diwan Singh, Inquiry Officer, through Chief Secretary, Govt. of NCT of Delhi, 5, Sham Nath Marg, Delhi-54

..Respondents

(By Advocate Shri Ajesh Luthra)

O R D E R (ORAL)

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

In this case the applicant has impugned the following actions taken by the respondents:-

(i) the directions of the disciplinary authority by his letter dated 25.4.1994 remitting the disciplinary proceedings initiated against the applicant for de-novo enquiry under Rule 15 of the

12

CCS(CCA) Rules, 1965. During the course of hearing, learned counsel has, however, submitted that the applicant has participated in the de-novo enquiry. Learned counsel for the respondents has submitted that although the same has been mentioned as de-novo enquiry, the actual fact is that it was a continuous enquiry held by the Inquiry Officer;

(ii) declaration that the applicant is entitled for promotion to the higher post of Deputy Chief Inspector and then to the post of Chief Inspector or in the alternative to declare that he is entitled for promotion to the post of Deputy Inspector/ and Electrical and then Inspector(Elect

(iii) direct respondents 1 and 2 to fix up responsibility of Respondent 4 ,Shri Diwan Chand (and not Sh.Diwan Singh as wrongly mentioned in the Memo.of parties).

2. In the aforesaid departmental proceedings initiated against the applicant by Memo.dated 21.7.1989, the Inquiry Officer has submitted his report on 30.3.1998. The applicant has admittedly retired from service on superannuation on 31.3.1998. Thereafter, the disciplinary authority by his order dated 17.3.1999 has passed an order in which he has stated, inter-alia, that " though the charges are proved against the CO these are not grave enough to warrant imposition of penalty of cut in pension as the CO had already suffered a lot since his date of superannuation from Govt.service i.e. with effect from 31.3.1998 and, therefore, the ends of justice will be

met if the entire period of his absence from duty be treated as dies-non thereby closing this disciplinary case against the CO."

3. Admittedly, against the aforesaid order passed by the disciplinary authority, the applicant has submitted an appeal to the Hon'ble Lt.Governor of Delhi, Govt.of NCT of Delhi dated 21.5.1999 which still remains undisposed of till date. This OA has been filed on 30.8.1999 and was admitted on 11.7.2000. Learned counsel also states that the applicant has raised a number of grounds in the appeal which have also been taken in the present OA. As mentioned above, the same has not been considered by the competent authority. He has also submitted that inspite of the fact that the applicant had retired from service on superannuation w.e.f. 31.3.1998, even the due amounts payable to him under the Rules as retiral benefits have not been given to him by the respondents so far. He has submitted that the applicant had only received provisional pension from March,2000 to December, 2000 and even that has been stopped thereafter. Learned counsel for the respondents was unable to explain the above facts with regard to the claim for pensionary benefits.

4. In view of the above facts and circumstances of the case, the OA is disposed of with the following directions:-

(i) Respondent No.2 i.e.the Chief Secretary, Govt.of NCT of Delhi is directed to request the Hon'ble

Lt.Governor of Delhi, Govt.of NCT of Delhi, whom the applicant has addressed the appeal dated 21.5.1999, to dispose of the same. This shall be done as early as possible and in any case within two months from the date of receipt of a copy of this order by a reasoned and speaking order, taking into account each of the pleas taken by the applicant in that appeal, with intimation to the applicant;

(ii) In view of the fact that the applicant has superannuated from service w.e.f. 31.3.1998, the respondents shall also pay retiral benefits to the applicant in accordance with the relevant rules and instructions. if not already paid so far. If this has already been done they shall send a copy of that order for intimation to the applicant;

(iii) If the amounts by way of retiral benefits have not been paid so far, the respondents shall take necessary action within two months from the date of receipt of a copy of this order to do so.

No order as to costs.

(Govindan S.Tampi)
Member(A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman(J)