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Central Administrative Tribunal  
Principal Bench

O.A.No.2124/98

Hon'ble Mr. Justice K.M.Agarwal, Chairman  
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 18th day of November, 1998

Shri Ishwar Singh  
s/o Sh. Mehar Ram  
Village & Post Mitraon  
New Delhi - 110 043.-

... Applicant

(By Shri Umesh Singh, Advocate)

Vs.

1. Lt. Governor  
Govt. of N.C.T. of Delhi  
Raj Niwas  
Delhi.

2. The Development Commissioner  
Govt. of N.C.T. of Delhi  
5/9 under Hill Road  
Delhi.

... Respondents

O R D E R (Oral)

Hon'ble Mr. Justice K.M.Agarwal, Chairman

Heard the learned counsel for the applicant on admission.

2. By this OA the applicant wants that the charge-sheet and enquiry proceedings initiated in 1992 may be quashed. According to the learned counsel the applicant has already retired in 1992 after service of charge-sheet on him but so far the proceedings are not concluded though the enquiry report has been submitted.

3. Under the said circumstances, we are of the view that this OA may be disposed of, at the admission stage itself, by directing the disciplinary authority to take a decision on the basis of the enquiry officer's report within two months from the date of receipt of a copy of

*Jm*


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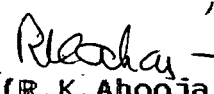
this order. If aggrieved by the final order made by the disciplinary authority, the applicant shall have liberty to approach this Tribunal again by way of a fresh OA.

4. The learned counsel also submitted that post retirement benefits have not yet been paid to him due to the pendency of the enquiry proceedings.

5. We find that no independent prayer has been made for payment of post retirement benefits pending enquiry proceedings. The prayer made is consequent in nature. In other words, it is based on the main prayer for quashing of charge. Under these circumstances, we give liberty to the applicant to file a separate OA, if so advised, for payment of such post retirement benefits, as may be payable to him, even during the pendency of enquiry proceedings after the date of retirement.

6. Subject to observations aforesaid, this OA is hereby summarily dismissed.

  
(K.M. Agarwal)  
Chairman

  
(R.K. Ahooja)  
Member (A)

/rao/