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Central Administrative Tribunal, Principal Bench

OA No.913/98

New Delhi this the 11th day of August, 2000.

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)  
Hon'ble Mr. Govindan S. Tampi, Member (Admnv)

Subash Chander,  
S/o Shri Charanjit Lal,  
R/o WZ 175/1, Gali No. 5,  
Krishna Park,  
Tilak Nagar,  
New Delhi.

..Applicant

(By Advocate: Shri B.S. Mainee with  
Ms. Meenu Mainee)

Versus

Union of India: Through

1. The Secretary,  
Ministry of Railways,  
Rail Bhawan,  
New Delhi.
2. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
3. The Divisional Railway Manager,  
Northern Railway,  
State Entry Road,  
New Delhi.

..Respondents

(By Advocate: Shri R.P. Aggarwal)

ORDER (Oral)

By Justice V. Rajagopala Reddy:

Heard the learned counsel for the applicant and the respondents.

2. The applicant retired from the Railways as a Senior Ticket Collector on 31.3.96. He received a chargesheet for major penalty, alleging that he had forged the date of birth in the official records. It is, however, the case of the applicant that as the chargesheet has been issued only after the date of superannuation, no charge

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could be laid and no enquiry could be proceeded against him, unless with the approval of the President. Hence the applicant is entitled for payment of the pensionary benefits.

3. It is stated in the counter-affidavit that the chargesheet was sought to be served upon the applicant prior to the date of superannuation but he was absconding and hence the chargesheet has been affixed on the walls of the office in the presence of the two witnesses and subsequently the chargesheet has also been served upon the applicant personally. It is also stated that very serious charges are alleged against the applicant. The delay in completion of the enquiry was due to the pendency of the OA in the Tribunal.

4. The question as to the validity of the enquiry is not before us in this OA. Hence pending the enquiry, the pensionary benefits cannot be paid. Though four years had expired from the date of the issue of the chargesheet, the enquiry is not yet completed. But it cannot be said that there is deliberate unexplained delay on the part of the respondents. The learned counsel for the respondents submits that in view of the pendency of the OA and non-cooperation of the applicant the enquiry could not be completed. The learned counsel for the respondents, however, tries to impress upon us as to the validity or the seriousness of the charges. But the fact remains, the allegations made against the applicant are very serious. Hence the charges cannot be held as vitiated only on the ground of delay in completing the enquiry.

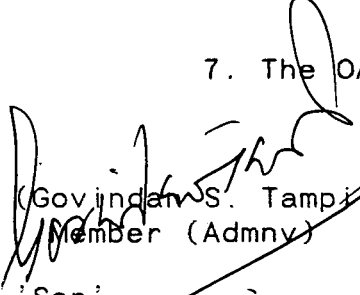
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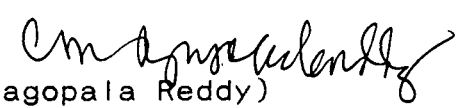
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5. In the circumstances, we dispose of this OA with a direction to the respondents to complete the enquiry within a period of three months from the date of receipt of a copy of this order and final orders to be passed before the expiry of three months. It is needless to say that the applicant shall cooperate with the enquiry.

6. The plea of the learned counsel for the applicant for payment of interest on the delayed payment of pension cannot be acceded to as the enquiry is pending and the validity of the allegations have to be enquired into by a duly constituted authority.

7. The OA is disposed of accordingly. No costs.

  
(Govindan S. Tampi)  
Member (Adminy)  
'San'

  
(V. Rajagopala Reddy)  
Vice-Chairman (J)