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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No.2056 of 1995

New Delhi, dated the 20th May, 1996

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Dwarka Nath,
S/o late Shri Daulat Ram,
R/o 26, West Azad Nagar,
Delhi-110051.

..... APPLICANT

(By Advocate: Dr. Vallabha Datta)

VERSUS

Union of India through
the Secretary,
Ministry of Communication,
Dept. of Posts,
Sanchar Bhawan,
New Delhi-110001.

..... RESPONDENTS

(By Advocate: Shri M.K. Gupta)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

We have heard Dr. Vallbha Datta for the applicant and Shri M.K. Gupta for the respondents on O.A. No.2056/95 in which the grievance of the applicant is ^{regarding} / non-payment of his D.C.R.G.

2. From the materials on record it appears that a D.E. was drawn up against the applicant on 25.11.91 under Rule 14 CCS (CCA) Rules, 1965 and the same is still pending. The respondents state that as the D.E. is still pending, the applicant has not been paid his D.C.R.G. in view of Rule 69(1)(c) C.C.S. (Pension), Rules, 1972.

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3. The applicant has relied upon the ruling in 1992 (1) SLJ 13 CAT whereas the Respondents' counsel Shri Gupta has invited our attention to the recent Hon'ble Supreme Court ruling in Jainail Singh Vs. UOI 1993(23) ATC 642.

4. In view of the position obtaining under Rule 69(1)(c) CCS (Pension Rules) 1972, the prayer to direct the respondents to release the applicant's DCRG at this stage is rejected. However, we direct the Respondents to conclude the departmental enquiry within six months from the date of receipt of a copy of this judgment, ~~and~~ which the applicant should also fully cooperate, and in the light of the decision in the departmental enquiry the respondents should take a final decision forthwith on the release of the applicant's DCRG in accordance with law.

5. In the event that the Respondents fail to conclude the D.E. proceedings within the period prescribed above, they should consider releasing the applicant's DCRG to him upon his furnishing security to the respondents' satisfaction, with utmost expedition.

6. This O.A. is disposed of accordingly.
No costs.

Lakshmi Swaminathan

(Mrs. LAKSHMI SWAMINATHAN)
Member (J)

S. R. Adhikari

(S.R. ADHIKARI)
Member (A)

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