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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

DA No.2327/1995

New Delhi, this 2nd day of May, 1996

Hon'ble Shri B.K. Singh, Member(A)
Hon'ble Dr. A. Vedavalli, Member(J)

Shri M.M. Halder
109, Hanuman Mandir Lane
Munirka, New Delhi

.. Applicant

(Applicant in person)

Vs.

Union of India, through

1. Secretary
Min. of Commerce, New Delhi

2. Director General of Foreign Trade
Min. of Commerce
Udyog Bhavan, New Delhi

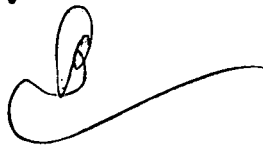
.. Respondents

(By Shri B.Lall, Advocate)

ORDER (oral)

Hon'ble Shri B.K. Singh

Heard the applicant appearing in person and the learned counsel for the respondents. The applicant had already filed two OAs, 1015/89 and 758/90, which were clubbed together and a common judgement was pronounced on 21.9.92. In the last para of that judgement, the respondents were directed to complete the departmental proceedings as expeditiously as possible so that the applicant may not be deprived for long of his pensionary benefits. He filed RA 334/92 which was dismissed on 4.11.92. He also filed CPs 11/95 and 110/95 but both were dismissed by the Tribunal's order dated 12.5.95, holding that the action of the respondents 'does not amount to disobedience'.



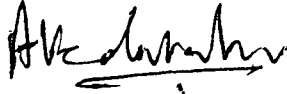
2. It is admitted that the applicant was issued charge memo dated 24.7.87, that he has been granted full but provisional pension and that he has got his gratuity and other retiral benefits. Only the payment of commuted value of pension has been withheld since the departmental enquiry is not yet concluded. In the prayer, ~~xbhx~~ in the present DA, the applicant is seeking a direction to the respondents to conclude the DE within a period of 3 months from the date of order of the Tribunal.

3. During the course of the argument, the ld. counsel for the respondents stated that both the Inquiry Officer and Presenting Officer have since been appointed afresh and notices have been issued to the applicant. It is presumed that the applicant will cooperate in the enquiry initiated by the respondents particularly when both the Inquiry Officer and Presenting Officer have since been appointed. Needless to say there has been abnormal delay in concluding the enquiry. The fact that the applicant has got full but provisional pension has not been denied by him. It is only the commuted value of pension that is pending which cannot be released till the DE is concluded. It is necessary and of utmost importance that the DE is concluded so that the applicant can spend the evening of his life peacefully. Since the DE has commenced, the respondents are granted six months' time to complete the same and consider the question of payment of regular pension as also commuted value of pension if the result of the DE goes in favour of the applicant. If otherwise, then the applicant will suffer the

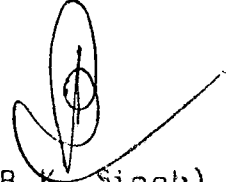


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consequences under the rules. The applicant is directed to cooperate with the enquiry proceedings. With these observations, the OA is disposed of but without any order as to costs.



(Dr. A. Vedavalli)
Member(J)



(B. K. Singh)
Member(A)

/gtv/