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Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1269/96

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New Delhi this the 12th day of July 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr K.Muthukumar, Member (A)

R.C.Mittal
Senior Accounts Officer (Retd)
WZ-525 B-Nagal Raya
New Delhi-110 046.

(By Advocate: Sh. Ranganathaswamy)

...Applicant.

Versus

Union of India through
The Secretary
Ministry of Defence (Finance)
South Block
New Delhi-110 001.

The Financial Adviser
Ministry of Defence
South Block
New Delhi-110 001.

The Controller General of
Defence Accounts
West Block - V, R.K.Puram
New Delhi.

The Controller of Defence Accounts
Research & Development
L-Block, New Delhi.

...Respondents.

(By Advocate: Mrs. P.K.Gupta)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The grievance of the applicant who retired from service on superannuation on 31.7.94 is that despite the fact that the Enquiry Officer had already submitted his report in a departmental enquiry held under Rule 14 of CCS(CCA) Rules 1965 against him as early as on 29.12.1994, the respondents are sleeping over it, with the result that he is not being given his retiral benefits. Therefore, the applicant has filed this application praying that the

1. Respondents may be directed to pay him gratuity with interest. He also prayed that the respondents may be directed to pass a final order in the disciplinary proceedings within 2/3 months.

2. Notices being served on the respondents, the respondents have filed a short reply opposing grant of interim relief prayed for by the applicant for release of gratuity by furnishing bank guarantee. In the short reply, the respondents have contended that though the report of the enquiry officer was received, the matter is pending because the advice of the Central Vigilance Commission as also the UPSC is still awaited.

3. After perusing the pleadings in this case and also hearing learned counsel on either side, we are of the view that there is no justification to keep this application to hang fire. In the interest of justice ^{has to} ~~and~~ ^{with} the same shall be disposed of appropriate direction to the respondents in regard to the disposal of the disciplinary proceedings pending against the applicant. Learned counsel on either side also agree that it may be done so.

4. In view of the fact that the enquiry report was already submitted way back in the year 1994, we are of the considered view that a final decision on the ~~enquiry~~ proceedings should have been taken long back. ^{However} Further, taking note of the fact that the respondents are yet to get the advice of Central Vigilance Commission and UPSC, we give them four months' time to finalise and pass a final order.

5. In the result, the application is disposed of directing the respondents to pass a final order in the departmental proceedings pending against the applicant within four months from the date of receipt of this order.

No order as to costs.


(K. Muthukumar)
Member (A)


(A.V. Haridasan)
Vice Chairman (J)