

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.517/1996

New Delhi, this 11th day of March, 1997

Hon'ble Shri S.P. Biswas, Member(A)

Shri G.C. Jain
A-278, Surya Nagar
Ghaziabad (UP)

.. Applicant

(By Advocate Shri C.B. Pillai)

versus

Union of India, through

1. Secretary
Department of Revenue
Ministry of Finance, New Delhi

2. Chairman
Central Board of Direct Taxes
North Block, New Delhi

3. Chief Commissioner of Income Tax(Admn)
New Delhi

.. Respondents

(By Advocate Shri V.P. Uppal)

ORDER

The applicant, who retired on 30.9.87 on superannuation, seeks a direction to the respondents to pay him interest on the delayed payment of DCRG as also on the balance amount of commuted value of pension after deducting the amount already received by him.

2. Just a few days before his retirement, the applicant was issued a charge-sheet on 25.9.87 for initiation of meior penalty proceedings against him for contravening the provisions of Rule 3(1)(i) and (ii) and also Rule 18(3) of the CCS(Conduct) Rules. Because of

A the prologed delay on the part of the respondents in completing the said proceedings, the applicant earlier filed an OA 2053/91 seeking orders to quash the proceedings and also to release the pensionary benefits with interest. That OA was disposed of on 28.5.92 directing, inter alia, the respondents to complete the disciplinary enquiry within a period of four months. The proceedings were concluded on 1.2.96 with the recommendations of the disciplinary authority that "no penalty is leviable on the applicant in respect of the Memorandum of charges issued to him". Despite this, the applicant has not been paid his dues.

P 3. The respondents have filed their reply admitting the averments made in this application but at the same time stating that the application is pre-mature as the applicant has not availed the departmental remedy available to him by making a proper representation so that the competent authority shall take a decision regarding the claim of the applicant.

B 4. I have heard the learned counsel for the parties. Learned counsel for the respondents submitted that the respondents have now decided to pay the interest on the delayed payment of gratuity and the amount that is payable to the applicant is being ascertained in consultation with the Chief Commissioner of Income-Tax and the Zonal Accounts Officer. An affidavit to this effect has also been filed on behalf of the respondents.


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5. In the circumstances, I feel that the application can therefore be disposed of with a direction. Accordingly, the applicant is directed to make a comprehensive representation alongwith a copy of this order to the respondents within 15 days from the date of receipt of a copy of this order regarding the amounts still due to him and the respondents shall dispose of the representation by settling all his dues including balance amount of commuted pension within a period of two months from the date of receipt of representation from the applicant. The applicant will have the liberty to agitate the issue at the appropriate forum in case there are reasons for the same.

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6. Let a copy of this order be also sent to the respondents by the Registry.

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(S.P. Biswas)
Member(A)

/gtv/