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Central Administrative Tribunal
Principal Bench: New Delhi

OA 1474/97

New Delhi this the 3rd day of November 1997.

Hon'ble Mr R.K.Ahooja, Member (A)

Shri G.R. Nigam
S/o Late Shri A.R.Nigam
R/o A-149 Ashok Vihar Phase-I
Delhi - 110 052.

...Applicant.

(By advocate: Mr Gyan Prakash through
Mr U.S.Bisht)

Versus

1. Lt. Governor
NCT of Delhi
through Chief Secretary
Old Secretariat
Sham Nath Marg
Delhi.
2. Director of Education
Govt. of NCT of Delhi
Sham Nath Marg
Delhi.
3. Pay & Accounts Officer No.IX
Old Secretariat
Govt. of NCT of Delhi
Sham Nath Marg
Delhi.

...Respondents.

(By advocate:None)

O R D E R (oral)

By Mr R.K.Ahooja, Member (A)

The applicant retired on the post of Principal, Govt. Boys Sr. Secondary School, Roshanara Road, Delhi on 30.6.96. Two months prior to his retirement, he was served a charge-sheet alleging irregularities in the purchase of books and stationery, to the tune of ^{of}Rs. 12,180. He submits that the enquiry officer had been appointed only on 1.1.1997 and the hearing of the disciplinary case was held on 4.4.97. Pending the enquiry, the respondents have withheld his DCRG amounting to Rs.1,26,143 and commuted value of pension amounting to Rs. 82,640. He submits that even though the amount alleged to

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have been involved in the purchase of the stock comes to Rs.12,180, yet he has been deprived of his retiral benefits of over two lakhs. He submits he is a sick person and has family obligations such as marriage of his daughter in the near future. He has come before the Tribunal seeking a direction that the retiral benefits of gratuity and the commuted value of pension be paid to him after deducting the amount of Rs. 12,180.

2. Though notices were issued to the respondents, none appeared on their behalf despite repeated opportunities granted to them. On the last occasion when the matter came up, it was directed that the OA would be disposed of on the basis of available pleadings in case no response came from the respondents. Since no reply has been received, the matter was taken up today and Shri U.S.Bisht, proxy counsel for Shri Gyan Prakash on behalf of the applicant appeared.


3. It is the admitted position that the retiral benefits of the applicant have been withheld by the respondents pending final outcome of the disciplinary proceedings against him. I am unable to agree with the suggestion made by the learned counsel (proxy) for the applicant that these retiral benefits be directed to be released after deducting the amount said to be involved in the purchase. It cannot be said as to what would be the result of the disciplinary proceedings and also in case the result of these disciplinary proceedings goes against the applicant, the extent of punishment which may be ~~imposed~~ ^{imposed} caused. The ~~first~~ ^{proper} course, therefore, would be that the respondents should complete the disciplinary proceedings

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within a specified and reasonable time frame.

4. ^{Accord} Respondents are directed to complete the disciplinary proceedings within four months from the date of receipt of a copy of this order. In case they fail to complete the proceedings within the specified time, they will release the retiral benefits of the applicant within one month thereafter. Needless to say, the applicant will give full cooperation in the completion of the disciplinary proceedings.

The OA is disposed of.


(R.K. Ahooja)
Member (A)

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