

(23)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No. 170/1997

With

MA No. 2392/97

New Delhi: this the 8<sup>th</sup> day of January, 1999.

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

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

Madan Gopal Goel,  
S/o Late Sh. Debi Ram,  
Retd. Superintendent  
from Directorate of Education,  
Delhi (Grade-I, Dass Cadre),  
R/o E-80, East of Kailash,  
New Delhi -065.

.... applicant.

(By Advocate: Shri Vijay Pandita).

Versus

1. Govt. of NCT of Delhi through  
L.T. Governor of Delhi,  
6 Raj Niwas Marg,  
Delhi-054 (Appellate Authority & Head of Delhi Police)
2. Chief Secretary,  
Govt. of NCT of Delhi.  
5, Sham Nath Marg,  
Delhi-110054  
(Disciplinary Authority),
3. Director of Education,  
Govt. of NCT of Delhi,  
Old Sectt. Delhi-054.  
(Head of Department).
4. Director of Vigilance,  
Govt. of NCT of Delhi,  
69, Old Sectt. Delhi- 054.  
(Vigilance Authority of NCT of Delhi )

.... Respondents.

(By Advocate: Shri B.S.Gupta)

ORDER

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

Applicant impugns the suspension order dated 28.10.94 (Annexure-A1) and for payment of residual retiral benefits with interest @ 18% p.a. thereon, and also for expeditious investigation of the case against him. A prayer has also been made to

24

investigate/inquire into applicant's report dated 8.9.94 to the Head of Office-cum-Drawing & Disbursing Officer reporting certain discrepancies in the Schools' Current Account in SBI Madangir.

2. We have heard applicant's counsel Shri Vijay Pandita and respondents' counsel Shri S.K. Gupta & have also perused the materials on record, including the written submissions made by both sides.

3. Admittedly applicant prior to his retirement on superannuation on 31.10.94 was working as Drawing & Disbursing Officer, G.B.S.S. School No.1, Ambedkar Nagar. 3 days before his superannuation, on 28.10.94 applicant was placed under suspension consequent to the alleged embezzlement of nearly rupees 4 lakhs of school fund. 2 FIRs were lodged in respect of the alleged embezzlement one bearing No.673 of 1994 in Ambedkar PS and the other bearing No.5/95 in P.S. Anti Corruption Board, Old Sectt. FIR No.5/95 clearly mentions applicant's name in it. The case is reportedly still under police investigation.

4. Admittedly applicant is being paid provisional pension under Rule 69(1) (a) CCS(Pensions) Rules. Respondents have correctly pointed out that DCRG; commuted value of pension and leave encashment cannot be paid to him under rules during the pendency of the criminal proceedings against him. Applicant has separately filed a representation to respondents against his suspension order dated 28.10.94, which respondents themselves admit in reply, has not been disposed of by them, but as noted above applicant reached the age of superannuation on 31.10.94.

5. In the light of the facts noticed above, the

OA warrants no interference at this stage. Respondents are however called upon to pursue the matter vigorously with the police authorities so that the police investigation is expedited and in the light of the outcome of that investigation, take a decision in accordance with rules and instructions on the question of release of applicant's residual retiral benefits.

6. The OA is disposed of in terms of para 5 above. No costs.

Lakshmi Sreeble  
( MRS. LAKSHMI SWAMINATHAN )  
MEMBER(J)

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( S. R. ADIGE )  
VICE CHAIRMAN(A)

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