

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-683/97

New Delhi this the 5th day of June, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Shri K.K. Sandal,
S/o Pt. Thakur Dass Sharma,
R/o House No.1, Road No.9,
Punjabi Bagh, D,
New Delhi-26. Applicant

(through Sh. S.K. Sawhney, advocate)

versus

1. Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Chief Administrative Officer
(Construction),
Northern Railway,
Kashmere Gate,
Delhi. Respondents

(through Sh. O.P. Kshatriya, advocate)

ORDER(ORAL)
delivered by Hon'ble Dr. Jose P. Verghese, V.C.(J)

The applicant in this case was superannuated in 1992 and he complains that he has not been given the retiral benefits such as commutation of pension & DCRG etc. due to a case which was pending since 1990.

A chargesheet was issued on 20.09.90 based on an incident that took place in the year 1986-1987. According to the applicant, the enquiry proceedings have not progressed at all and at the same time, the retiral benefits have not been given to him.

The learned counsel for the applicant relied on the O.M. issued by the respondents themselves wherein a time schedule has been prescribed and the respondents were to act according to the said guidelines and complete the disciplinary proceedings with a time schedule of 202 days. In the present case almost 7 years have passed and nothing substantial has taken place to further the disciplinary proceedings. On perusal of the pleadings and after hearing the submissions orally made at the Bar, the respondents seems to have abandoned the pleadings altogether.

In response to our notice, the respondents have filed reply in which it is stated that the disciplinary proceedings could not be continued due to unavoidable circumstances. At the same time, the details of unavoidable circumstances were not forthcoming. It was also stated that one Sh. A.N. Saxena was appointed as Enquiry Officer in the year 1991 and he has been transferred to some other Ministry and thereafter one Sh. Kulbir Singh was appointed in the year 1991. These appointments of Enquiry Officers in the year 1991 gives us no idea as to the unavoidable circumstances under which the disciplinary proceedings could not be finalised.

In the facts and circumstances of the case, we are of the firm opinion that the respondents may pass the final order on the disciplinary proceedings within one month from today and in the event no order is forthcoming, these proceedings shall be deemed to

have abated and they shall pay all the retiral benefits to the applicant within three months thereafter. In case no order for payment is forthcoming after four months from today, the respondents shall pay 18% interest on any payment due to the applicant.

With the aforesaid directions, this O.A. is disposed of. No costs.



(S.P. Biswas)
Member(A)



(Dr. Jose P. Verghese)
Vice-Chairman(J)

/vv/