

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. No. 2488/1994

New Delhi this the 15th Day of November, 1995

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Dr. A. Vedavalli, Member (J)

Shri Uttam Singh,
S/o Late Shri Chandan Singh,
R/o P 62, Krishna Vihar,
Near MCD Primary School,
Delhi-110 041.

Applicant

(By Advocate: Shri B.S. Mainee)

vs

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

2. The Divisional Railway Manager,
Northern Railway,
DRM Office, State Entry Road,
New Delhi.

Respondents

(By Advocate: Shri I.C. Sudhir)

O R D E R (Oral)

By Hon'ble Shri S.R. Adige, Member (A)

In this application, Shri Uttam Singh, Booking
Clerk, Northern Railway has impugned the Memo. dated
20.4.1993 (Annexure A-1) drawing up departmental
proceedings against him and the letter dated 21.3.1993
(Annexure A-2) forwarding the copy of the inquiry report
to him and calling for his representation, if any. He
has also prayed for release of his retiral benefits
including DCRG, leave encashment and commutation of
pension with interest @ 18% per annum thereon.

✓

2. It appears that the Enquiry Officer submitted his report on 10.12.1993 ~~was~~ ^{it} itself, but meanwhile the applicant retired on superannuation on 30.11.1992. According to the respondents, on the basis of the enquiry report and the other materials on record the Disciplinary Authority had awarded a punishment of 5% reduction in pension, but as he was not competent to impose the penalty on the applicant, who had retired from service he has sent the case to the competent authority for implementation of that decision.

3. In this connection we note that the applicant had earlier filed O.A. No. 1635/1994 in which he had sought retiral benefits including gratuity, commuted value of pension, leave encashment, transfer and packing allowance etc. That O.A. was disposed of by judgement dated 17.8.1994 wherein it was noted that the E.O. had submitted his report on 10.12.1993 and while the O.A. itself was held to be premature. It was expected that the respondents would dispose of the enquiry pending against the retiree (applicant) as expeditiously as possible. A copy of that order was also directed to be sent to the respondents.

4. We must observe with considerable dismay that despite the fact that the Enquiry Officer had submitted his report as far back as 10.12.1993 and despite the contents of the Tribunal's judgement dated 17.8.1994, the final decision on the D.E. against the applicant still remains to be taken by the competent authority, who according to respondents counsel Shri I. C. Sudhir is the GM Northern Railway, New Delhi.

(Respondent No. 1), as a result ~~of~~^{of} which the applicants' retiral dues have not yet been released. Shri Sudhir has however been unable to state what difficulties, if any, are being faced by the G.M. Northern Railway New Delhi in taking the final decision on the Enquiry Report dated 10.12.1993 and the recommendations of the Disciplinary Authority.

5. Accordingly, we dispose of this O.A. with a direction to Respondent No. 1 (General Manager, Northern Railway, New Delhi) to take a final decision on the report of the E.O. dated 10.12.1993 and the recommendation of the Disciplinary authority thereon, within one month from the date of receipt of a copy of this judgement and ~~order~~^{consider} release of ~~the~~^{the} retiral benefits legally admissible to the applicant in the light of that final decision, within 45 days of its being passed. If for good and sufficient reasons which must be recorded in writing the G.M. Northern Railway does face genuine difficulty in taking a final decision in the matter ~~and~~^{and} ordering release of the retiral benefits in terms of that decision, the G.M. Northern Railway should consider releasing the retiral benefits ^{legally} admissible to the applicant on proper security to his (EM's) satisfaction, on provisional basis, pending final decision in the D.E. In case, any grievance still survives ^{thereafter} it will be open to ~~him~~^{the Applicant} to agitate his grievance in ~~an~~^{original} appropriate proceedings in accordance with law ^{if so advised.} No costs.

M

P. TO

11

6. Issue a copy of this order to both parties,
and send a copy of the same to the GM, Northern
Railway, New Delhi (by name).

A. Vedavalli

(Dr. A. Vedavalli)

Member (J)

S. R. Adige

(S. R. Adige)

Member (A)

UG