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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. 383/94

New Delhi, this the 16th August 1994

Hon'ble Shri J.P. Sharma, Member (Judicial)

Shri A.K. Kaul, AE (Retired)
F-17/27, Sector-B
Rohini,
Delhi.

.... Applicant

(Shri R.K. Vahli, Advocate)

Vs.

1. Union of India
through Secretary
Ministry of Defence,
South Block,
New Delhi.
2. Engineer-in-Chief,
Kashmir House,
Rajaji Marg,
P.O.D.H.Q.,
New Delhi.
3. Chief Engineer,
Northern Command,
C/o 56 A.P.O.
4. Controller of Defence Accounts (Pensions)
Allahabad (U.P.)
5. Garrison Engineer Jammu,
Jammu Cantt.,
Satwari,
Jammu-Tawi.
6. Central Record Office (Officers)
C/o Chief Engineer,
Delhi Zone,
Delhi Cantt.,
Delhi.

.... Respondents

(Shri E.X. Joseph, Advocate)

ORDER (ORAL)

Hon'ble Shri J.P. Sharma, Member (J)

The applicant retired from the post of
Assistant Engineer from MES Department on superannuation
on 30.11.91. His grievance is that he has not been paid

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the DCRG which should be directed to be paid to the applicant with interest at the rate of 18% per annum.

2. A notice was issued to the respondents and it is stated in the reply that earlier the applicant filed O.A. 809/89 in Chandigarh Bench which was dismissed in February 1994 and the applicant in that O.A. has assailed the chargesheet and common proceedings ordered to be held against him by the Ministry of Defence letter dated 20.7.88. It is said that the DCRG has been held under Rule 68 of the C.C.S. (Pension) Rules.

3. The Respondents have also stated that since the inquiry proceedings have been completed and the inquiry officer has submitted his finding to the disciplinary authority Engineer-in-Chiefs Branch for orders on 4.3.94 but the final orders have not been passed till the filing of this application on 10.8.94.

4. Shri E.X. Joseph is present on behalf of respondents. The learned counsel for the applicant had placed the finding of the inquiry officer sent to the applicant which shows that in the disciplinary proceedings the charges against the applicant have not been established and the applicant has been ordered to be exonerated from the aforesaid charges framed against him on the basis of the chargesheet by the Ministry of Defence letter referred to above. The latest position regarding order passed by the disciplinary authority is not before the Bench.

5. In view of the above circumstances, the learned counsel prays that the application be disposed of with direction to the respondents that if by the final order passed by the dismissing authority the applicant has been honourably exonerated then in that event the full

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amount of DCRG subject to deduction, if any, be directed to be released and since according to the provisions in the event of exoneration in departmental inquiry the amount of DCRG is to be paid alongwith interest as per Government of India decision on this point.

6. The application is, therefore, disposed of with the directions to the respondents to pay the amount of DCRG subject to deduction under law to the applicant in the event he has been honourably fully exonerated pending dismissal inquiry initiated against him under the orders of Ministry of Defence dated 20.7.88 and the aforesaid amount be paid alongwith 12% interest per year till the date of payment from one month after the retirement of the applicant. If the applicant is still aggrieved he may ~~avail~~ ~~argue~~ on specific issue of DCRG. Cost on parties Respondents are directed to decide the issue within 3 months from the date of receipt of the order.

J. P. SHARMA

(J.P. SHARMA)
Member(J)

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