

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 181/2000

New Delhi this the 6th day of July, 2000. (5)

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Shri D.C.Jajoria,
S/o Shri Roop Ram Jajoria,
R/o 5573/75, Raigerpura,
Karol Bagh, New Delhi-5. Applicant

(By Shri D.S.Mahendru, Advocate)

-Versus-

Union of India, through
Secretary, Govt. of India,
Ministry of Food and Consumer Affairs,
(Department of Food and Civil Supplies)
Krishi Bhawan,
New Delhi. Respondent

(Shri A.S.Singh, proxy for Sh.R.V.Sinha,
counsel)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Applicant has retired on superannuation on 31.3.1996. Prior to that while in service disciplinary proceedings were initiated against him vide chargesheet issued on 23.3.1993. Enquiry officer has issued his report on 27.6.1996. Applicant has submitted his representation against the findings of the enquiry officer on 8.7.1996. No steps have thereafter been taken in the aforesaid proceedings. As a consequence, though part of the retiral benefits such as Insurance, General Provident Fund and Provisional Pension have been released, applicant has been denied the grant of Gratuity and arrears of

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Pension. Aforesaid retiral benefits have been unduly withheld for an inordinate period after July, 1996 for no fault of his. No satisfactory explanation is forthcoming why final orders on the disciplinary proceedings have not been passed though a period of almost 4 years has gone by. All that has been stated by the respondent is as under:-

"It is correct that the Inquiry Report was submitted by the Inquiry Authority but with the submission of Inquiry report by the Inquiring Authority the enquiry does not stand completed. The report of the inquiring authority is intended to assist the disciplinary authority in coming to a conclusion about the guilt of the employee. Its findings are not binding on the disciplinary authority, who can disagree with them and come to its own conclusion on the basis of its own assessment of the evidence on record. On receipt of the report and the record of the enquiry, the disciplinary authority has to satisfy that the enquiry does not suffer from any procedural lapse. Disciplinary authority also takes into account the advice of Central Vigilance Commission (CVC), Union Public Service Commission (UPSC), Department of Personnel & Training (DOP&T) etc. before making an order imposing any penalty on the government servant."

In our view, the aforesaid averments are not at all satisfactory for the aforesaid inordinate delay. In the circumstances, we direct the respondent to pass final orders at least at the hands of the disciplinary authority within a period of three months from the date of service of this order. In default, the respondent will release the aforesaid pensionary benefits in respect of Gratuity and arrears of Pension to the applicant. Aforesaid retiral benefits be calculated and paid over to the him within a period of

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four months from the date of service of this order.

Aforesaid amount will carry interest at the rate of 12% per annum from 1.5.1996 till payment. If however, the disciplinary authority passes its final orders within the aforesated period of three months, payment of retiral benefits will ~~be in accordance with~~ abide by its decision. In case, the applicant is found guilty of the charges levelled against him in the order of the disciplinary authority, respondent will consider releasing the aforesaid pensionary benefits to the applicant on obtaining the requisite indemnity bond along with solvent security from him.

2. Present OA in the circumstances is partly allowed in the aforesaid terms but without any order as to costs.

V.K.Majotra

(V.K. Majotra)
Member (A)

Ashok Agarwal

(Ashok Agarwal)
Chairman

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