

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 61
T.A. No.

1987.

DATE OF DECISION November 21, 1988.

Shri Amrit Singh, Petitioner

Shri G.D.Bhandari, Advocate for the Petitioner(s)

Versus

Union of India & Ors Respondents.

Shri O.P.Khastriya, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice Amitav Banerji, Chairman.

The Hon'ble Mr. Ajay Johri, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement? NO
2. To be referred to the Reporter or not? NO
3. Whether their Lordships wish to see the fair copy of the Judgement? NO
4. Whether it needs to be circulated to other Benches of the Tribunal? NO

MGIPRRND-12 CAT/86-3-12-86-15,000

(Ajay Johri)
Member (A)

(Amitav Banerji)
Chairman.

21/11

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

OA No.61/1987.

November 21, 1988.

Shri Amrit Singh ... Applicant.

Vs.

Union of India & Ors ... Respondents.

Coram:

Hon'ble Mr. Justice Amitav Banerji, Chairman.

Hon'ble Mr. Ajay Johri, Member (A).

For the applicant ... Shri G.D. Bhandari, counsel.

For the respondents ... Shri O.P.Khastriya, counsel.

(Judgment of the Bench delivered by Hon'ble
Mr. Justice Amitav Banerji, Chairman)

The only question that remains to be decided in this Original Application is the question of disbursement of gratuity. The other major questions have been dealt with by the Full Bench by its Order dated 6.9.1988. The Full Bench held that " the contention that gratuity cannot be withheld, even if proceedings are pending, must, therefore, be rejected." In other words, it means, if the proceedings are pending, the gratuity may be withheld. The question that now comes up before us is that the enquiry proceedings are not being disposed of although the matter is pending for the last more than six years.

The ld. counsel for the Railway urged that there is a criminal case pending, arising out by FIR No.2 of 1982 lodged on 1.6.1982 in Thana Railway Police, Shimla and, however, contended that so long as the criminal

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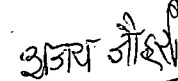
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proceedings are pending, the departmental enquiry cannot be completed.

However, a perusal of the copy of letter No.4068 dated 5.11.1988 from Superintendent of Police, Enforcement, South Zone, Shimla shows that the investigation of the case has been completed and challan of the case is being prepared and was under scrutiny with Public Prosecutor. Certain objections have ^{to} ^{all} been removed and after obtaining the final order from the Public Prosecutor, challan of the case will be put up for trial in the court. It, therefore, means that at present i.e. upto 5.11.1988 there was no criminal case in the court.

We are, therefore, of the view that the enquiry proceedings against the applicant are held up for no good reason.

Sufficiently, long period of time has elapsed since the enquiry proceedings started on 7.6.1985. The applicant has also retired from service on 31.10.1986. In view of the above circumstances, we feel constrained to observe that this is a matter in which the enquiry proceedings should proceed expeditiously and be disposed of within a period of three months from the date of the receipt of this order. We order accordingly. The application is accordingly disposed of without any order as to costs. Order dasti.


(Ajay Johri)
Member (A)
21.11.1988.


(Amitav Banerji)
Chairman
21.11.1988.