

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. 1222/87

Date of decision: 27.9.91

Sh.Durga Dass

... Applicant

Sh.S.K.Bisaria

... Counsel for the applicant.

Versus

Union of India & Others

... Respondents.

Sh.M.L.Verma

... Counsel for the respondents.

CORAM:

The Hon'ble Sh.Justice Ram Pal Singh, Vice-Chairman(J).

The Hon'ble Sh.D.K.Chakravorty, Member(A).

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

JUDGEMENT

(Judgement delivered by Hon'ble Sh.Justice

Ram Pal Singh, Vice Chairman (J)).

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act of 1985 praying therein that the disciplinary proceedings initiated on the basis of the charge sheet dated 23.4.87 may be quashed. By way of interim relief he prayed for, that the respondents be directed to pay his gratuity, commuted pension, L.I.Cs. benefits alongwith leave salary benefits.

2. The applicant at the relevant time was posted at Agra as Junior Fuel Inspector and then was transferred to Jhansi on 20.8.86. While his retirement was due on 30.6.87, on 17.4.86 a survey was conducted of the fueling point by the Vigilence Department at Loco

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Shed, Agra Cantt. and a shortage of 16,209 Litres of H.S.D. oil was noticed in the stock of the fueling point at the Agra Cantt. The shortage of the oil was of approximate value of Rs. 40,328/-. This shortage is stated to have taken place between 1.4.86 to 17.4.86.

3. A charge sheet was issued against the applicant on 23.4.87. An inquiry officer was appointed to hold the inquiry and the applicant submitted his reply to the charge sheet, according to which he was not responsible for the said shortages. While the enquiry was pending the applicant retired from service on 30.6.87 as a Jr. Fuel Inspector Agra Cantt., Agra and due to the pendency of the inquiry the respondents withheld all payments of gratuity, commuted pension amount, and L.I.C. amounts alongwith the leave salary. The applicant filed a representation, but the inquiry continued, hence, he filed this O.A. after obtaining permission from the Hon'ble Chairman under Section 25 of the Administrative Tribunals Act.

4. The respondents on notice submitted their counter denying therein the contentions of the applicant and justified the continuance of the departmental enquiry. They conceded that due to the initiation of the disciplinary proceedings the pensionary benefits and gratuity have been withheld.

5. During the pendency of this O.A. this Tribunal, after hearing the counsel for both the parties, issued direction on 18.11.87, to the respondents to make the payment of Rs.9,000/- within three weeks and also directed the disciplinary proceedings to be concluded before 31.12.87. On 13.1.89 this Tribunal again directed that provisional pension to which the applicant is entitled from the date of the payment, should not be denied to him. Hence, the Bench directed the respondents that they should grant the applicant the provisional pension, as admissible to him, on the basis of his qualifying

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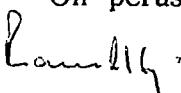


service upto the date of his retirement till the orders are passed in the disciplinary proceedings. It was further directed that the payment of the provisional pension should be made within a period of six months

6. The respondents passed the final orders to the departmental inquiry on 19.6.89. The penalty imposed upon the applicant was that Rs.100/- per month be deducted for a period of three years from the monthly pension ordinarily admissible to the applicant. On 6.7.89 the Bench of this Tribunal directed the respondents that as the final order in the disciplinary proceedings has been passed, the respondents should release other retirement benefits admissible to the applicant, including gratuity and commuted pension. The respondents were also directed to finalise all the payments due to the petitioner within a period of two months. On 4.9.89 the respondents produced photo copies of the two orders issued by the respondents on 1.9.89. According to these orders the gratuity payable to the applicant after deductions works out to Rs.39,052/- and this amount has been released to the applicant. According to the second order the pension payable to the applicant has been worked out to Rs.1398/- per month out of which the applicant has commuted the pension to the extent of Rs.466/- per month. The lumpsum amount of Rs58493/- has been worked out for payment to the applicant as commuted value. The respondents also informed the Tribunal that the cheque for payment of gratuity has been issued on 1.9.89 in favour of the applicant.

7. Keeping in view the prayer for relief in the O.A., in our opinion, nothing survives in this O.A. The applicant had prayed for quashing of the disciplinary proceedings. The disciplinary proceedings have culminated in imposition of the minor penalty, as stated above.

On perusal of the O.A. no legal points have been raised which may



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indicate that the disciplinary proceedings were conducted and concluded against the constitutional provisions or any departmental rules or orders. In such a situation we are of the view that no relief can be granted to the applicant, as prayed for in the O.A. All the pensionary benefits, as enumerated above, have been paid to the applicant. So far as the quantum of punishment is concerned, we refuse to interfere on the quantum of punishment in view of the judgement rendered by the Apex Court in the case of Parmanand (1989 (10) A.T.C. p.30).

8. Consequently, this O.A. is dismissed with no order as to costs.

D.K.Chakravorty 27/9/99
(D.K.CHAKRAVORTY)

MEMBER(A)

Ram Pal Singh 27.9.99
(RAM PAL SINGH)

VICE CHAIRMAN (J)