

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

(11)

O.A.1003/91

Date of decision: 27.4.92

Jagdish Raj Kapoor .. Applicant.

Versus

Union of India
& others .. Respondents.

Sh. Sant Lal .. Counsel for the applicant.

None for the respondents.

JUDGEMENT (oral)
(Delivered by Hon'ble Sh. Justice Ram Pal Singh, V.C.(J)).

Mrs. Raj Kumari Chopra, learned counsel for the respondents is not available in the building though we have sent for her thrice. Hence, we had to proceed with the arguments of Sh. Sant Lal. The applicant in this O.A., filed under Section 19 of the Administrative Tribunals Act, 1985, has challenged the impugned orders A-1 to A-4 and prays for quashing the same alongwith the departmental proceedings against him. He also prays for the payment of retirement benefits alongwith the prayer that the suspension period be treated on duty. Respondents have filed their return.

2. The applicant was alleged to have committed an offence of accepting bribery during the performance of his duty. No criminal proceedings were started against him under the provisions of Prevention of Corruption Act. But a departmental enquiry was started by orders dated 2.11.88 for initiation of departmental enquiry for imposing the major penalty. The applicant retired on 31.8.87 on attaining the age of superannuation. The chargesheet was issued on 2.7.1988 and since then departmental enquiry is pending. Learned counsel for the applicant, Sh. Sant Lal also contended that the

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respondents have no right to withhold his gratuity amount which they are not paying. He has relied upon rule 69 of C.C.S.(Pension) Rules and points out that pension amount cannot be withheld if the departmental or judicial proceedings are not pending on the date of retirement. Sh.Sant Lal raised several points of law before us. But we are of the considered view that to adjudicate upon the departmental enquiry ~~any allegation is the~~ complete jurisdiction of the respondents. Furthermore this court cannot undertake to excercise the powers vested in the departmental proceedings. Furthermore if the departmental proceedings go against him then the applicant shall get a chance of filing an appeal and also a revision or review, according to rules. We are, therefore, of the considered view that any delay in concluding the departmental enquiry is likely to cause prejudice to the interest of the applicant. We, therefore, while disposing of this O.A. direct the disciplinary authority to conclude the departmental enquiry within a period of three months from the receipt of a copy of this order and also consider the contentions of Sh.Sant Lal with regard to payment of gratuity, according to rule 69 of the C.C.A.(Pension) Rules. We shall make it clear that the applicant shall exhaust the departmental remedies, ~~after~~ the verdict of the departmental enquiry goes against him, can raise all these issues before this Tribunal, if fresh cause of action arises.



(K.J.RAMAN)
MEMBER(A)



(RAM PAL SINGH)
VICE CHAIRMAN(J)