CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A. No.2037 of 1992

New Delhi, this the 18th day of April, 1994.

Hon'ble Mr B.N.Dhoundiyal, Member(A)

Shri N.N.Khullar
S/O Shri Dinanath Khullar
R/O 384-A, Pocket II,
Mayur Vihar Phase I
Delhi-110 091.   .. ...   Applicant.
  (through Mr Anis Suhrawardy, advocate).
                            vs.

1. Union of India
    through its Secretary
    Ministry of Railways
    Railway Bhavan
    New Delhi.

2. General Manager,
    Northern Railway
    Baroda House,
    New Delhi.

3. Divisional Railway Manager,
    Northern Railway,
    Chelmsford Road, New Delhi.

4. The Asstt.Railway Manager
    D.R.M.Office
    Chelmsford Road
    New Delhi.   .. .... Respondents.

  (through Mr H.K.Gangwani, Advocate).

ORDER(ORAL)

(delivered by Hon'ble Mr B.N.Dhoundiyal, Member(A)

    This O.A. has been preferred by Shri N.N.Khullar,
retired Parcel Supervisor, challenging the non-payment
of his gratuity, leave encashment, pension commutation etc.

2. The applicant retired from service as Parcel
Supervisor, Northern Railway, w.e.f.31.10.1991. His
pensionary benefits were withheld by the respondents
on the ground that some inquiries were pending against
him. The applicant has stated that he stands exonerated
of the charges levelled against him vide charge sheet
dated 7.8.90 and has attached a copy of letter dated
13.1.1992 with his O.A. Another charge-sheet was issued
on 2.3.1991, for his recording remarks in the stock

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book of Bhatinda Parcel office regarding MR Book
No.664451 to 664500. The applicant was acting as
Chief Parcel Clerk from 12.8.1985 to 9.12.1985 and
claims that the above charges do not pertain to the
year when he was working as Chief Parcel Clerk. The
ld. counsel for the applicant states that the culprit
C.B.I. had lodged a criminal case against the ~~applicant~~
and in fact the applicant has not been shown as accused.

3.   In the counter filed by the respondents,
the material averments are these:

     No gratuity, commutation, leave encashment have been
released to the applicant because a charge sheet for
major penalty is still pending against the applicant.
This Charge-sheet was issued under the advice of
the CBI, Chandigarh. There was some delay in supplying
the copies of the documents to the applicant as the
relevant papers are also required for processing
the criminal trial.

4. It is an admitted fact that a charge-sheet was issued on
2.3.1991 for major penalty and the departmental
proceedings had been intiated before the retirement
of the applicant. From the statement of imputations
of misconduct, it is noted that the applicant Shri N.N.
Khullar has given a remark in the stock book of
Bhatinda Parcel Office mentioning that MR Book No.66451
to 664500 issued to LFO, OTI although the said
M.R.Book was not received in the office of LFO/OTI,
but was fradulently used. Shri N.N.Khullar gave
a fictitious remark, which clearly establishes
his connivance with culprit in committing fraud
resulting in a loss of Rs.90405.00 to the Railway
Department. A perusal of the report of the C.B.I.
shows that the main culprit was one Shri K.N.Mishra
who remained posted as parcel Supervisor in the
Parcel office Bhatinda sine 1983. The report also

mentions the negligence of the parcel officers for not getting the M.R.Books in safe custody. It has also been brought to our notice by the learned counsel for the applicant that he is ~~permanently~~ terminally in ill. Considering all aspects of the case, the O.A. is disposed of with the following directions:

(i) The respondents shall expedite the completition of inquiry in order to enable them to pass final order, within a period of six months from the date of presentation of a copy of this order;

(ii)   Meanwhile, the applicant shall be paid provisional pension with immediate effect in accordance with the rules; and

(iii)   The respondents shall review the question of payment of other dues in the light of the report from the C.B.I. and take a decision on the amount to be withheld from the pensionary benefits. The remaining amount, if any, shall be paid to the applicant within a month.

(B.N.Dhoundiyal)
Member(A)

/sds/