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Central Administrative Tribunal  
Principal Bench, New Delhi.

O.A.No.288/93

2nd day of November, 1993.

Shri J.P. Sharma, Member (Judl.)

Shri B.K. Singh, Member (A)

Shri Sukhbir Singh  
Ex-Vice Principal,  
Govt. Boys Adult School,  
Karampura.(Shifted to  
Jaidev Park, Delhi).

Applicant

By Advocate Shri Mukul Sharma, Versus

1. The Delhi Administration

Through

The Chief Secy., Delhi Admn.

Dehi Admn. Sectt.

5, Sham Nath Marg, Alipur Road  
Delhi-110007.

2. The Director of Education,  
Delhi Administration,  
Directorate of Education,  
Old Secretariat, Delhi-110007.

3. Shri Y.P. Purang,  
Deputy Director of Education,  
West District

through

The Director of Education,  
Delhi Administration,  
Old Secretariat, Delhi-110007.

Respondents

By Advocate Shri O.N. Trishal.

(ORAL) ORDER

**Shri J.P. Sharma**

The applicant has filed this application after he has superannuated on 30.6.1992, that the respondents are not clearing his terminal benefits and prayed for a direction to them to fix his permanent pension from 30.6.1992 asalso the whole amount of gratuity along with interest @ 18 per cent. The applicant has also prayed that the vigilance proceedings or

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disciplinary proceedings, if any, conducted by the respondents 1 and 2, are unlawful and be quashed. A notice was issued to the respondents and in their reply, it is stated that the applicant had been served with a memo. of charge-sheet dated 22.6.1992 and as a result thereof, departmental proceedings under Rule 14 of the CCS(CCA) Rules, 1965 are pending and under Rule 69 of the CCS (Pension) Rules, 1972, the applicant is not entitled to the release of the gratuity, or its payment. Provisional pension of the applicant has since been sanctioned. It is further stated that the gratuity shall be paid after the conclusion of the disciplinary proceedings against the applicant.

2. The applicant has also filed rejoinder and has taken specific steps that the alleged memo. of charge-sheet dated 22.6.1992, has not been served upon him. It is only to oppress and put the applicant in mental torture. The respondents are taking the stand of having served the charge-sheet before the applicant reached his superannuation on 30.6.1992.

3. We have heard the learned counsel for the parties at length. Shri Mukul Sharma, learned counsel for the applicant, with force and emphasis challenged the service of the charge-sheet on the applicant which appears to be material in view of the fact that after retirement, a punishment which can be imposed would be under Rule 9 of the CCS(Pension) Rules, 1972 with the specific sanction by the President. However, in this case, the issue of quashing of the charge-sheet is subsidiary. The main issue raised in the application was confined to the payment of retirement benefits to the applicant by the respondents.

4. The learned counsel for the respondents has also produced the charge-sheet and also asserted that it had been served through the Peon working with the

Applicant while he was on active duty as Vice-Principal/Incharge of the institution of the Boys Adult School, Karam Pura.

5. The learned counsel for the applicant, however, raised serious objection to the manner of service adopted by the respondents. He also pointed out that the genuineness of the service by Prithvi Bahdaur, Chowkidar, cannot be said to be a service of the charge-sheet on the applicant, as the report is dated 8.7.92 when the applicant had already superannuated on 30.6.92. We leave all these matters open which can be agitated by the applicant in proper proceedings regarding the said memo. of charge-sheet. At one point, the applicant asserted that he has not been served with a charge-sheet and at the same time, he prays for quashing of any such charge-sheet impending or actual.

6. In view of the above facts and circumstances, we do not want to interfere at this stage for quashing the charge-sheet. However, the matter is left open to the applicant with liberty to challenge the proceeding of such an enquiry, including the charge-sheet. A copy of the charge-sheet along with the service record, has been given to the learned counsel for the applicant.

7. In view of the above facts and circumstances, the O.A. is disposed of with the observation that the relief prayed for had already been granted, except the gratuity for which the respondents had taken the stand about the pendency of the disciplinary enquiry proceedings against the applicant. Regarding the quashing of the charge-sheet, the applicant is given the liberty to assail the same as he was ignorant of it and the same has been delivered to him today.

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The learned counsel for the applicant also prayed that the enquiry proceedings be concluded within a period of six months, but the learned counsel for the respondents desires that no period be fixed as it could be concluded even earlier than six months. We hope that he will convey his desire to the authorities concerned. No costs.

  
(B.K. Singh)  
Member(A)

  
(J.P. Sharma)  
Member(J)

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