

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Original Application No. 423 of 1997

this the 16th day of August'2001.

HON'BLE MR. S. DAYAL, MEMBER (A)

HON'BLE MR. S.K.I. NAQVI, MEMBER(J)

Harish Chandra Soni, Retired Office Supdt. Pnrns Loco Shed
South Central Railway, R/o House No. 530/2(MI) Dhyan Chand
Colony, Sipri Bazar, Jhansi.

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Applicant.

By Advocate : Sri M.K. Upadhyay for Sri A.K. Dave.

Versus.

1. Union of India through the General Manager, South Central Railway, Headquarters Office, Secunderabad, Andhra Pradesh.
2. Divisional Railway Manager, DRM's Office, Hyderabad Division, Secunderabad, Andhra Pradesh.
3. Divisional Mechanical Engineer (Power), DRM's Office, Hyderabad Division, Secunderabad.

Respondents.

By Advocate : Sri Lalji Kushwaha, for Sri P. Mathur.

O R D E R (ORAL)

S. DAYAL, MEMBER(A)

This application has been filed for setting-aside the Memorandums dated 13.10.1995 and 20.12.1995. A further direction is also sought to the respondents to finalise the impugned disciplinary proceedings without any further delay. It is also prayed to arrange the payment of all the outstanding settlement dues to the applicant alongwith interest at market rate.

2. The applicant, who was working as Office Supdt. with

the respondents, was issued chargesheets dated 13.10.1995 and 20.12.1995. He retired from service on 31.12.1995. In the memorandum dated 13.10.1995, the applicant was charged with obtaining school passes from AME's office/PAU in favour of his son and two daughters on 14.2.1991 and 29.10.1991 without submitting proper school/college bonafide certificates from the Head of the Institution in prescribed proforma in each individual case against Pass Rules. It is also mentioned that Pass No. 694952 dated 14.2.1991 was obtained ^{himself} for/as guardian and with one unmarried daughter aged 21 years and back eventhough ~~daughter~~ the student daughter cannot be entered in the school/pass ^{which is} against pass rules. In the memorandum dated 20.12.1995 the applicant was proceeded against the charge of shortage of HSD oil at Purna installation during the period from 1.1.92 to 29.7.95.

3. We have heard Sri M.K. Upadhayay for Sri A.K. Dave for the applicant and Sri Lalji Kushwaha for Sri P. Mathur for the respondents.

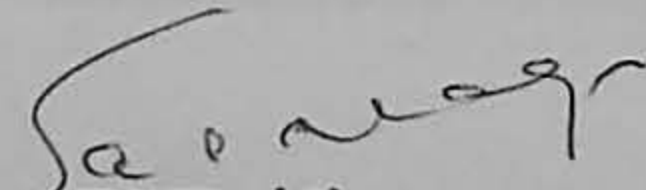
4. We find from the ordersheets that the counsel for the applicant had submitted that the disciplinary proceedings had already been dropped and only relief pending was with regard to the payment of salary dues.

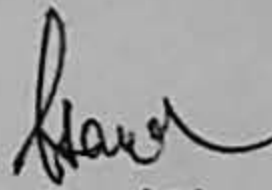
5. The learned counsel for the respondents seeks further time to file Counter reply. We find from the ordersheets that the learned counsel for the respondents was allowed time to file Counter reply on 26.5.97, 27.8.97, 14.10.97 and was granted last opportunity on 21.3.98. On submission of the learned counsel for the applicant that the disciplinary proceedings had been dropped and payment of retiral dues was only the issue remaining to be settled, the learned ^{the} counsel for the respondents was given an opportunity to

file Counter Reply on 5.5.1998. Thus, more than adequate opportunities have been allowed to the learned counsel for the respondents to file Counter reply and we find that the Counter reply has not yet been filed despite the opportunities, as mentioned above.

6. We find from the Annexure A-1 to the O.A. that the applicant was paid Rs. 1,10,373/- towards Provident fund, Rs. 6566/- towards G.G.E.I.S. and Rs. 7,184/- towards wages for the month of December '95. The amount of gratuity, pension and leave encashment was withheld on account of pendency of two major chargesheets. We find that the claim of the applicant made on 5.5.1998 has not been controverted by the respondents. We, therefore, direct the respondents to work-out the amount payable to the applicant as D.C.R.G., commutation of pension and leave encashment within a period of two months and pay the same by another period of one month from the date of receipt of copy of this order, alongwith the interest @ 10% till the date of payment. The cost of the application shall also be paid to the applicant.

7. The O.A. stands allowed as above.


MEMBER (J)


MEMBER (A)

GIRISH/-