

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Allahabad this the 31st day of January, 1997.

Coram : Hon'ble Mr. S. Das Gupta, Member-A
Hon'ble Mr. T. L. Verma, Member-J

Original Application No. 91 of 1997

K. R. Yadava aged about 57 years,
son of Sri R. B. Yadava, Resident of
609 A, Deri Colony, N.E. Railway, Gorakhpur.
at present posted as Executive Engineer,
(Urvey) Construction, N.E. Railway, Gorakhpur.

.....Applicant.

(THROUGH COUNSEL SRI R. K. SRIVASTAVA)

Versus

1. Union of India through its Secretary,
Ministry of Railway, New
Delhi.
2. Railway Board through its
Chairman, New Delhi.
3. General Manager, N.E. Railway,
Gorakhpur.
4. Chief Personnel Officer,
N.E. Railway, Gorakhpur.
5. Chief Administrative Officer
(Construction) N.E. Railway,
Gorakhpur. Respondents.

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ORDER

(By Hon'ble Mr. S. Das Gupta, Member-A)

This application has been filed praying that entire
proceeding initiated against the applicant be quashed as

the respondents have failed to comply with the direction given in the judgment and order dated 22.8.1996. He has also prayed for quashing of the order dated 21.1.1997 by which the commutation of 1/3rd pension has been withheld.

2. The applicant was served with a charge-sheet on 28.2.1996. Thereafter the applicant had approached this Tribunal through O.A.No. 881 of 1996 praying for quashing of the proceedings initiated against him and a bench of the Tribunal by its order dated 22.8.1996 directed the respondents to complete the inquiry and bring the proceedings to a conclusion within a period of eight weeks.

3. It appears that the applicant is going to retire on 31.1.1997 and yet the proceedings have not been completed so far. In these circumstances, the impugned order dated 21.1.1997 has been issued in which it has been stated that the applicant shall not be paid the ~~commutative~~ ^{commutation} value of 1/3rd pension and also D.C.R.G. until further advised.

4. The rules governing terminal benefits are very specific on this point. When the proceedings ~~are~~ ^{initiated against an employee} are still to be brought to a conclusion, he is not granted D.C.R.G. or allowed commutation of 1/3rd pension. There is nothing irregular in the order dated 21.1.1997 since admittedly there are proceedings pending against the applicant. However, the fact remains that the inquiry which should have been completed within 8 weeks as directed by a bench of this Tribunal has not been concluded so far. The applicant has also filed separately

a contempt application for non-compliance of the aforesaid direction. The learned counsel for the respondents who had appeared in the earlier O.A. brings to our notice that the respondents have filed a misc. application seeking extension of the period for completion of the inquiry. This matter may be dealt with separately when the misc. application is listed for orders. So far as the impugned order is concerned, we see no reason to interfere and therefore, this application stands disposed of accordingly.

J. K. Verma
Member-J

W. R.
Member-A,

(pandey)