

(19)  
RESERVED

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Allahabad : Dated this 18th day of February, 1999  
Original Application No.941 of 1998

District : Allahabad

COURT :

Hon'ble Mr. S.K. Agrawal, J.M.  
Hon'ble Mr. G. Ramakrishnan, A.M.

Chhedi Lal Chauhan,  
Son of Late Sri Kishori Lal Chauhan,  
R/o 773/177/2, Rajrooppur,  
District Allahabad.

(Sri Q.P. Gupta, Advocate)

. . . . . Applicant

versus

1. Senior Divisional Account Officer,  
in the Office of D.R.M. Northern  
Railway, Allahabad.
2. The Financial Advisor and Chief  
Account Officer, Northern Railway,  
Barauda House, New Delhi.
3. Union of India through  
General Manager,  
Northern Railway, Barauda House,  
New Delhi.

(Sri A.K. Gaur, Advocate)

. . . . . Respondents

ORDER

By Hon'ble Mr. S.K. Agrawal, J.M.

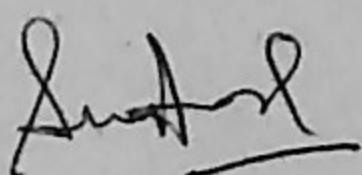
In this OA the applicants makes a prayer to direct the respondents to decide and pass a reasoned and speaking order on his representation dated 2-4-1996 which he has submitted before the disciplinary authority against the inquiry report failing which respondents may be directed to release all retiring dues to the applicant.

*Ansar*

2. The facts of the case as stated by the applicant in this case are that a memo of charge sheet dated 16-9-1988 was issued to the applicant but inquiry was not completed till 1993. Therefore, the applicant challenged the same by way of OA No.1213/1993 and this Tribunal directed the respondents to complete the inquiry within four months but the inquiry was not completed within stipulated time. Therefore, another OA No.1814/1994 was filed to direct the respondents to finalise the disciplinary proceedings but as the applicant retired from service, this OA was dismissed as infructuous and an opportunity was given to the applicant to file the representation. In the meantime, the inquiry was completed and a copy of the inquiry report was given to the applicant on 20-3-1996 to which the applicant filed a representation on 02-4-1996. Since then neither any final order was passed on the inquiry report nor representation of the applicant was disposed of. It is stated that the departmental proceedings must be completed within 150 days and as well as the judgement dated 18-4-1994 also directed the respondents to complete the disciplinary proceedings within four months but the same could not be completed and respondents have arbitrarily withheld his retiring dues arbitrarily malafidely. Therefore, the applicant filed this OA for seeking a relief as mentioned above.

3. No counter affidavit was filed.

4. An application was also filed to direct the respondents to release all the retiring dues to the applicant if the respondents are not passing any final order on the inquiry report.

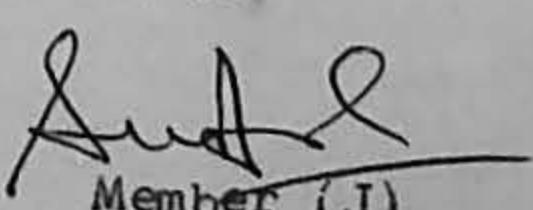


5. Heard learned counsel for the applicant and learned counsel for the respondents and perused the whole record.

6. From the very begining it appears that the attitude of the respondent authority has been indifferent in this regard against the applicant. No order has been passed on the disciplinary proceedings initiated against the applicant till date. No counter affidavit was filed inspite of opportunity given to the respondents. No reasons have been given by the respondents before this Tribunal as to why no orders are passed till to date on the representation of the applicant which he has filed on 2-4-1996. A charge sheet was issued on 16-9-1988. The inquiry was not completed inspite of direction of this Tribunal in OA No. 1213/1993 within stipulated time. It also appears that the inquiry was completed only in March, 1996. Thereafter, a copy of the inquiry report was given to the applicant and the applicant submitted his representation on 2-4-1996 but no order has been passed till today. Therefore, we have no alternative except to deprecate such practice on the part of the respondents. We, therefore, allow this OA and direct the respondents to pass appropriate orders on the inquiry report after considering the representation of the applicant within ~~three~~ <sup>six</sup> months from the date of receipt of the order failing which the applicant shall be entitled to ~~all~~ all the retiral benefits due to him alongwith interest @12% per annum.

7. There shall be no orders as to costs.

  
Member (A)

  
Member (J)