

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

O.A.No.771/92

V.K. Singh : Applicant

Vs.

Union of India & Others : Respondents

Hon.Mr.Justice U.C.Srivastava,V.C.

Hon.Mr.K. Obayya, A.M.

(By Hon. Mr.Justice U.C.Srivastava,V.C.)

The applicant who was working as Office Supdt. under Loco Foreman, Northern Railway, Tundla, was served with a Charge Sheet on 3-7-87 and Enquiry proceedings have been started against him, which was finalised and a penalty of compulsory retirement was imposed by the disciplinary authorities vide order dated 16-6-89. The applicant filed an appeal against the same and the appeal was allowed vide order dated 13-11-89 and the order of compulsory retirement was set aside with a direction for holding de novo action at the stage of examination and cross-examination of witness. It was thereafter the applicant was re-in-stated in service on 20-11-89 as Office Supdt., Loco Foreman's Office, N.Rly. Tundla. But his grievance is that he was not allowed full backwages from the date of compulsory retirement to the date of re-in-statement. After attaining the age of superannuation, he retired on 31-3-90. The disciplinary proceedings which were pending against him ended on 7-4-90 after submission of the report on 10-4-90. Thereafter a show cause notice was issued and the reply of the same was also given. This time the disciplinary authorities imposed penalty of certain cut in the pension of the applicant vide

confidential letter dated 8-7-91. The applicant filed an appeal challenging the said order on a variety of grounds including the ground that cut in pension can only be ordered by President of India and ~~none else~~ and that too after recording three mis-conducts. It

2. It was contended that the applicant was implicated falsely vide charge-sheet dated 11-8-86 but DAR proceedings is still pending. It is for these reasons the applicant has been deprived of his pensionary benefits.

3. As the applicant has been re-in-stated, the respondents are directed to pay full salary from the date of compulsory retirement to the date of re-in-statement within a period of 3 months from the date of communication of this order and the respondent No.2 is directed to give his personal attention and it is his duty to see that the payment is made to the applicant. So far as the pending D.R.A. enquiry is concerned, the respondents are directed to conclude the same within a period of 4 months from the date of communication of this order and the applicant shall fully co-operate with the enquiry. In case, despite full co-operation of the applicant, if the enquiry is not concluded within this period, it will be open for the applicant to approach this Tribunal for quashing the enquiry altogether. The appeal filed by the applicant, against the punishment of certain cut in pension, shall be disposed of within a period of 2 months from the date of communication of this order, by the appellate authorities, failing which it will be deemed that the appeal stands allowed. The respondents are directed to pay all undisputed amount and other benefits within a period of 3 months notwithstanding the pendency of any proceedings. No order as to the costs.

Member (A)

Vice-Chairman.

Dated: 2nd December, 1992, Allahabad.

(tgk)