

CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
ALLAHABAD

Allahabad this the 7th day of February, 1997.

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

Original Application No. 1534 of 1993.

Amrit Dayal Saxena,  
S/o. Sri Madho Kishore,  
(Retd)Guard, N.Rly),  
R/o Mohalla Behari Vidas,  
Tundla District Ferozabad. ....Applicant.

(By Counsel Sri K.S.Saxena)

Versus

1. The Union of India (The General Manager,  
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager,  
Northern Railway, Allahabad.
3. The Senior Divisional Commercial Manager,  
Northern Railway, DRM Office,  
Allahabad.
4. The Senior Divl. Personnel Officer,  
Northern Railway, DRM Office, Allahabad.  
....Respondents.

(BY counsel Sri A.V.Srivastava)

ORDER

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

This O.A. came to be filed seeking  
quashing of the order dated 31.10.1979 by which  
the penalty of reduction in rank was imposed on  
the applicant and to declare that the appellate  
authority's order dated 27.4.1980 is absolute and  
final. He has also prayed that the reduction in  
final. He has also prayed that the reduction in

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pay and allowances made as a result of the impugned penalty be restored to him and arrears paid to him retrospectively in respect of the period the applicant was in service. He has further prayed for ~~that~~ retirement benefits on the basis of the revised pay.

2. The applicant was working as a Guard at Tundla when a departmental proceeding was initiated against him in 1979. This resulted in imposition of penalty of reduction in rank from the post of Guard 'B' (Rs. 330-560/-) to that of Guard 'C' (Rs. 330-530/-) <sup>fixed</sup> at Rs. 490/- as against Rs. 530/- which <sup>he</sup> was drawing prior to imposition of penalty for a period of five years. It was also provided that the period of reduction would affect the applicant's future increments on restoration.

3. It appears that the applicant had challenged this order of penalty before the High Court of Judicature at Allahabad. The writ petition was subsequently transferred to this Tribunal and was re-numbered as T.A.No. 27 of 1987. A bench of this Tribunal by its order dated 7.3.1990 had quashed the order of penalty ~~and~~ while granting liberty to the disciplinary authority to proceed with the disciplinary proceedings from the stage at which it stood on 22.5.1979. Thereafter it appears that the applicant had been regularly requesting the respondents to conduct and conclude the inquiry in accordance with the direction of this Tribunal but, despite his representations, no enquiry was being held and in

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the meanwhile the applicant retired from service on 31.7.1989. In these circumstances the present O.A. came to be filed for the reliefs afore mentioned.

4. The respondents in the counter reply have stated that entire proceedings had been quashed by order dated 6.12.1993 after making lot of efforts to conclude the proceedings and that thereafter the entire matter ~~be~~<sup>was</sup> processed not only with regard to settlement of dues but also for other benefits.

5. It is the further averments of the respondents that an order has been passed which is dated 25.1.94 by which the applicant has been informed that arrears of salary amounting to Rs. 19,985.20 has already been paid to him by way of arrears of salary and that action has been taken to grant him the pensionary benefits arising out of the dropping of the proceedings against him.

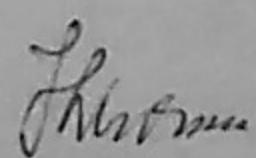
6. During the course of arguments it appeared that before the applicant was retired from service, he was promoted as Guard 'A'. There is no averment in this regard in the O.A. nor any relief pertaining to such promotion. The learned counsel for the applicant submits that while certain arrears of salary have been granted which were due to the applicant on cancellation of the order of reduction in rank, the arrears arising out of the withheld increments have not been granted nor have revised pensionary benefits been granted to him so far.

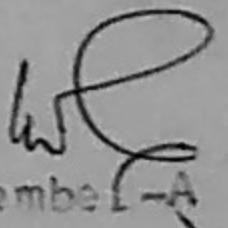
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7. The learned counsel for the respondents showed us a chart in which fixation of pay of the applicant on quashing of the disciplinary proceedings has been indicated. We have seen therefrom that the applicant has been granted increments as due to him during the period he remained under penalty and on the basis of such increment, his pay was also fixed on his promotion as Guard 'A'. Learned counsel for the applicant submitted that he has no grievance in this regard except the fact that terminal benefits due to the applicant on the basis of such re-fixation of pay have not so far been given to him.

8. In view of the foregoing we dispose of this application with direction to the respondents that all terminal benefits due to the applicant as a result of re-fixation of pay, if not granted so far, shall be paid to him within a period of three months from the date of communication of this order. We also provide that all the arrears for terminal benefits shall bear interest @ 12% per annum with effect from 25.2.1994 i.e. ~~the~~ period of one month after the date of letter dated 25.1.1994. We also provide that if the aforesaid arrears are not paid within the period specified by us, such arrears shall bear interest at 18% per annum for any period beyond the period specified.

9. There will be no order as to costs.

  
Member-J

  
Member-A