

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 14th day of February, 1997

Original Application No. 1142 of 1994

District : Jhansi

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

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Abdul Mazeed Khan Son of Chand Khan,  
Resident of H.N. 40, Rai Ka Taziya  
Police Station Kotwali, Jhansi,  
District Jhansi.

(By Sri RP Tiwari, Advocate)

.... .Applicant

Versus

1. Union of India through  
General Manager (Central Railway)  
Bombay V.T.
2. Chief Security Officer,  
(Central Railway)  
Bombay V.T.
3. Security Officer,  
(Central Railway), R.P.F.,  
Jhansi.

(By Sri Prashant Mathur, Advocate)

.... Respondents

ORDER (Oral)

By Hon'ble Mr. S. Das Gupta, A.M.

The applicant in this case was involved in a Criminal Case under Section 3 of R.P.U.P. Act. During the pendency of the criminal proceedings, he retired from service on 28-2-1987. The respondents did not grant him any pensionary benefits. Subsequently, the applicant was acquitted in the criminal case by the judgement and order dated 17-6-93. In these circumstances this application has been filed seeking reliefs couched in a very general terms for a direction to the respondents to pay all the claims of the applicant with full interest.

W.L.

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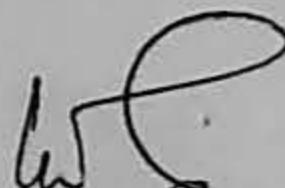
2. The respondents have filed a counter affidavit in which it has been stated that since at the time of retirement of the applicant criminal proceedings were pending against him, the entire settlement benefits were withheld by the Railway Administration. However, immediately on finalisation of the proceedings the respondents have released the withheld amount to the applicant details of which have been indicated at Para 8 of the counter affidavit.

3. The applicant has not filed any rejoinder affidavit in reply to the counter affidavit. Moreover, none was present for the applicant when the case was ~~sacked~~ taken up for hearing. I, therefore, heard learned counsel for the respondents and perused the pleadings on record.

4. Admittedly the criminal proceedings were pending against the applicant at the time when he retired from service. There is a specific rule in the Indian Railway Establishment Manual which confers powers on the authority to withhold of pensionary benefits in case any criminal proceedings are pending against an employee. Similar instructions have also been issued by the Railway Board under circular dated 14-4-1991, a copy of which is annexure-GA-3. Thus, there was nothing wrong on the part of the respondents to withhold pensionary benefits of the applicant at the time of his retirement. However, the respondents have specifically claimed to have cleared all the pending dues, after the criminal proceedings <sup>ended in</sup> ~~have been~~ acquitted of the applicant, on 14-3-1992. The applicant was admittedly acquitted by order dated 17-6-1993. There is, however, no averments as to when the above order was communicated to the respondents. In any case, after the communication

of the order, the respondents would have required sometime to process the claims of the applicant and pay the same to him. I do not, therefore, find on the basis of the pleadings on record that there has been any undue delay in settling the claims of the applicant after the order of acquittal was communicated to them. There is, therefore, no case for grant of interest on terminal benefits to the applicant. The averments of the respondents in the counter affidavit have to be accepted as correct in the absence of any rebuttal on the part of the applicant who has chosen not to file any rejoinder affidavit.

5. In view of the foregoing, I find no merit in this application and the same is dismissed accordingly. The parties shall, however, bear their own costs.

  
Member (A)

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