

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 4TH DAY OF JULY, 2001

Original Application No.1063 of 1995

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Jai Deo Pandey, son of Late Pandit  
M.Pandey, R/o CK 65/60 Bari Piari  
Varanasi.

..... Applicant

(By Adv: Shri V.K.Srivastava)

Versus

1. Union of India through its General  
Manager, North Eastern Railway, Gorakhpur
2. FA & Chief Accounts Officer,  
North Eastern railway, Gorakhpur.
3. Divisional Railway Manager,  
N.E.Railway, Varanasi.
4. Divisional Accounts Officer  
N.E.Railway, Varanasi.

..... Respondents

(By Adv: shri G.P.Agrawal)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA the applicant has prayed for a direction to the respondents to consider the case for promotion of the applicant since 1.4.1987, the date his juniors were promoted to the higher post of Senior Section Officers. The applicant has also claimed the payment of salary from 1.4.1987 to 30.6.1991 with 18% interest. The applicant has also prayed for refixation of the pension on the basis of the scale of Rs.2000-3200 applicable to the Senior Section officer.

The facts are that applicant was served with the memo of charge on 25.1.1985 . The disciplinary proceedings continued upto 1991 when applicant retired from the post.

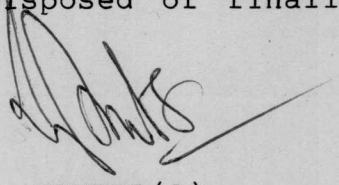
The Disciplinary proceedings could not be concluded and the matter was referred to Hon'ble President for permission to continue the inquiry which was not accepted. The Hon'ble President by order dated 5.3.1998 refused the permission and dropped the proceedings against the applicant, exonerating him from the charge. Thereafter the applicant has been paid the retiral benefits. It is also not disputed that applicant has been granted notional promotion to the post of Senior Section Officer after retirement though from the date 1.4.1987. Thus, the applicant became entitled for refixation of the pension. The grievance of the applicant is that he was not at fault in any manner. The proceedings were initiated in arbitrary manner only to harass applicant and to deprive him the chance of promotion and he should <sup>not</sup> have been <sup>or given</sup> ~~entitled~~ ~~for~~ promotion on notional basis, and he is entitled for the entire salary upto the date of retirement. We have considered the submission of the counsel for the applicant. It is true that applicant could not get promotion on account of disciplinary proceedings pending against him. He has been exonerated by order dated 5.3.1998 but there is nothing on the record to show that inquiry was malafide and there were no grounds to have a reasonable suspicion against the applicant. Thus it cannot be said that the inquiry was unjustified. In our opinion, the respondents rightly gave promotion to the applicant on notional basis from 1.4.1987. However, there is one aspect of the matter that applicant has been paid his retiral benefits in 1998 though he retired in 1991. We do not find any justification on the part of respondents to keep the proceedings pending for such a long time even after his retirement. The applicant has prayed that he may be awarded 18% interest for the delay in paying retiral benefits.



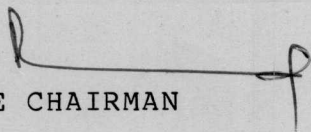
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Shri S.D.Kapoor learned counsel appearing for the respondents submitted that the respondents are not responsible for the delay as the matter was pending for obtaining permission from Hon'ble President for continuing the proceedings even after retirement. We do not find any force in this submission. Even <sup>though</sup> ~~for~~ permission of Hon'ble President was necessary, but the delay could have been avoided by pursuing the matter expeditiously. In our opinion the applicant is entitled for the interest @ 12% for the period 1.1.1992 to the date of actual payment of the retiral benefits. The amount of interest shall be paid to the applicant within six months from the date a copy of this order is filed.

The OA is disposed of finally with no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 04.7.2001

Uv/