

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1110 of 2000

Allahabad this the 03rd day of April, 2001

Hon'ble Mr. S.K.I. Naqvi, Member (J)

L.P. Jaiswal S/o Shri Bhola Nath, H.No.N.9/31E,
Plot No.7 & 8, Brij Enclave Ext.Colony, Patia, P.O.
Bajardiha, Distt. Varanasi (Pin Code No.221109).

Applicant

By Advocate Shri Z.A. Faruqui
Shri K.N. Katiyar

Versus

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. Financial Adviser & Chief Accounts Officer,
N.Rly., Baroda House, New Delhi.
3. Dy. Chief Accounts Officer/Cash & Pay, Northern
Railway, Multi Storeyed Building, New Delhi
Station, New Delhi.
4. The Chief Cashier(SG) Northern Railway, Multi
Storeyed Building, New Delhi Station, New Delhi.
5. The Senior Divisional Accounts Officer, Northern
Railway, Allahabad.

Respondents

By Advocate Shri A.K. Gaur.

O_R_D_E_R (Oral)

By Hon'ble Mr. S.K.I. Naqvi, Member (J)

Shri L.P. Jaiswal has come up seeking relief
to the effect that the respondents be directed to make
payment of D.C.R.G. and commutation value of the pension
as per rules.

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2. As per his case the applicant retired on superannuation on 30.6.96, but his retiral benefits have not been paid to him in-spite of his several requests to department concerned, and now being aggrieved of this action of the respondents he has come up seeking relief against the impugned order dated 10.2.2000, copy of which is annexure A-1 to the O.A.

3. The respondents have contested the case, filed counter-reply and in para-6 it has been mentioned that the applicant has already been granted with all retirement benefits at the time of his retirement except death-cum-retirement gratuity and commutation of pension which was withheld due to pendency of a vigilance case against him and as per the procedure laid down by the Railway Board, no payment of D.C.R.G. and commutation can be made without obtaining the vigilance clearance.

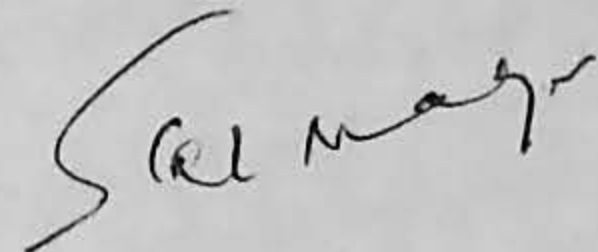
4. Heard learned counsel for the parties and peruse-d the record.

5. This position cannot be disputed that the entitlement of D.C.R.G. comes only when there is clearance from Vigilance and no inquiry is pending, but I cannot keep my eyes closed from the fact that the applicant retired on 30.6.96 and till date D.C.R.G. and commuted pension value have not been paid to him on the ground of pendency of some vigilance matter involving minor penalty, which clearly means to undue harassment to retired employee. It is also relevant to mention that it is neither in the impugned order dated 10.2.2000 nor anywhere in the counter-reply that what is the nature of that pending inquiry and at what stage it is pending

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and the reasons for which it could not be calculated for this long period of five years.

6. With the above position in view, it is directed to the respondents that in case the alleged vigilance inquiry is still pending, same be decided within 3 months from the date of communication of this order, and D.C.R.G. and commuted value of pension be decided within 1 month thereafter by making actual payment of the amount to which the applicant is found entitled. The O.A. is decided accordingly. No order as to costs.



Member (J)

/M.M./