

(Open court)

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Dated, Allahabad, this 31st day of October, 2000

CORAM :

Hon' Mr. Justice R.R.K.Trivedi, VC

Hon' Mr. S.Biswas, AM

Original Application No.769/00

Vishwambhar Nath Malaviya  
S/O Late Chandrashekhar Malaviya  
R/O 401-A/108-A, Benigank,  
Allahabad

..... Applicant

Counsel for the applicant : Shri A.K.Singha

Versus

1. The Union of India through the  
General Manager, Northern Railway,  
Baroda House, New Delhi
2. The Financial Adviser and Chief  
Accounts Officer, Northern Railway,  
Baroda House, New Delhi
3. Sr.Divisional Accounts Officer,  
Northern Railway Office of the  
Divisional Railway Manager, Allahabad

..... Respondents

Counsel for the Respondents : Shri P. Mathur

ORDER

(Open court)

( By Hon' Mr. Justice R.R.K.Trivedi, VC )

Learned Counsel for the applicant has submitted ~~that~~ that the applicant has retired from the post. He has not been paid any retiral benefit. He is getting only Provisional Pension and as such he has been suffering hardship. It has been submitted that a disciplinary proceedings were initiated against the applicant on the basis of Memo.of Charge dated 16.9.1988. More than 12 years have passed but the disciplinary proceedings has not been concluded.

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Shri P. Mathur Learned Counsel for the respondents on the other hand submitted that proceedings could not be concluded on account of the fact that record was taken away by C.B.I.

We have considered submissions of the Learned Counsels of the parties. We do not find any legal justification <sup>to keep proceedings pending</sup> for such long time. Even if the record was taken by C.B.I. for investigation in respect of Criminal case, record could have <sup>been</sup> obtained <sup>by</sup> for concluding the enquiry. Learned Counsel for the applicant has submitted that in respect of other employee who was also charge sheeted for the same incident enquiry has been completed and he has <sup>been</sup> paid all the retiral benefits. The applicant has been discriminated without any justifiable reason. For the reasons mentioned above the application is finally <sup>disposed of</sup> ~~dismissed~~ with direction to Respondent No.3 (Sr.Divisional Accounts Officer, Northern Railway) to get the proceedings completed within a period of 4(four) months <sup>from</sup> the date of copy of this order is filed before him.

No order as to costs.

AM

VC

kkc