

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 26th day of November 2002.

Original Application no. 1218 of 2002.

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman  
Hon'ble Maj Gen KK Srivastava, Administrative Member.

D.P. Updhayaya, S/o late O.P. Updhayaya,  
R/o 19/58, R.K. Puram Colony No. 2,  
Shastri Gate, Aligarh.

... Applicant

By Adv : Sri S.D. Tiwari

Versus

1. Union of India through General Manager,  
Northern Railway, Baroda House,  
NEW DELHI.
2. Divisional Railway Manager,  
Northern Railway, Allahabad.
3. Chief Medical Superintendent,  
Northern Railway,  
ALLAHABAD.
4. Medical Superintendent,  
Northern Railway,  
TUNDLA.

... Respondents

By Adv : Sri Amit Sthalekar

O R D E R

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.

By this O.A., filed under section 19 of the A.T. Act, 1985, the applicant has challenged the memo of charge dated 25.10.1996 by which the disciplinary proceedings were initiated against the applicant, order dated 1.6.2000 (Ann 2) by which the disciplinary proceedings have been concluded and the applicant has been imposed penalty of Govt. Displeasure,

....2/-

2.

order dated 4.2.2002 by which the appeal of the applicant has been dismissed and order dated 14.6.2002 by which the representations of the applicant have been decided.

2. The facts of the case are that while the applicant was serving as Senior Health Inspector, Northern Railway, Aligarh, he was served with the memo of charge on 29.10.1996 alleging that his supervision of work of cleaning of 114 septic tanks and 270 man holes of different places in Railway Colony was irregular and payment to the contractor was done without physical checking. The applicant retired from service on 31.10.1996 i.e. two days after service of memo of charge. The disciplinary proceedings were concluded and the applicant has been ~~awarded~~ <sup>awarded</sup> ~~awarded~~ penalty of Government's displeasure by order dated 1.6.2000. This was challenged in appeal, which has been dismissed by order dated 4.2.2002.

3. After conclusion of the disciplinary proceedings, the applicant filed two representations. By first representation he questioned the deduction of Rs. 10,860/- from his retiral benefits and by second representation, ~~the~~ <sup>and</sup> applicant prayed for payment of interest on delay in payment of retiral benefits. Both the representations have been decided by order dated 14.6.2002. So far as the first representation is concerned, the claim has been accepted partly ~~for which~~ <sup>and</sup> the applicant is satisfied. The only dissatisfaction is regarding the second representation by which the ~~claim of~~ <sup>claim of</sup> ~~interest on~~ <sup>delayed</sup> payment of retiral benefit has been rejected.

4. The delay in payment was of over four years and nine months, but it is not disputed that the disciplinary proceedings against the applicant, of the nature stated above, were pending.

....3/-




3.

The charge against the applicant has been found proved, but taking the lenient view only displeasure of the Government has been communicated. The applicant has not been put to any financial loss, though the disciplinary proceedings were for alleged loss caused to the Government by failure of proper supervision by the applicant in cleaning the septic tanks and man holes.

5. Considering the totality of the facts and circumstances, in our opinion the justice has been done and no interference <sup>is</sup> ~~has~~ called for by this Tribunal. The O.A. has no merit and the same is accordingly dismissed.

6. There shall be no order as to costs.

  
Member A

  
Vice-Chairman

/pc/