

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 26th day of April, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MR. D. R. T-IWARI, A.M.

C.C.A. No.211 of 2003

in

O.A. No. 435 of 2002

Parsiddhi Ram.....

.....Applicant.

Counsel for applicant : Sri Sudama Ram.

Versus

1. Shri N.K. Sharma, Senior Divisional Finance Manager,  
North Central Railway, Allahabad.
2. Ms. Sumitra Varun, F.A. and CAO, North Central Railway,  
Allahabad.
3. Mrs. Maya Sinha, F.A. & CAO, Northern Railway Headquarter  
Baroda House, New Delhi.
4. Shri R.R. Jaruhar, General Manager, Northern Railway,  
Baroda House, New Delhi.

.....

.....Respondents.

Counsel for respondents : Sri P. Mathur.

ORDER

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri Sudama Ram<sup>2</sup> learned counsel for applicant  
and Sri P. Mathur, learned counsel for respondents.

2. The applicant, a Railway servant, retired from service as Senior Section Officer from the office of Senior Divisional Accounts Officer on 30.4.1991. It appears that because of disciplinary proceedings against him, his pensionary benefits/dues were not settled and being aggrieved he made a representation dated 16.8.2001 and later instituted O.A. No.435/02 for issuance of a direction to respondents to decide the representation and for payment of retiral benefits with interest from the date of his retirement. The said O.A. came to be disposed of vide order dated 17.3.2003 (Annexure--

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with a direction to the Senior Divisional Accounts Officer, Northern Railway, Allahabad to consider and decide the representation dated 16.8.2001 filed by the applicant within a period of three months from the date of receipt of a copy of the order. Thereafter, the Senior Divisional Finance Manager, North Central Railway, Allahabad passed the following order dated 2.5.2003 :-

"In reference to your above cited letter the D.A. is very much intended to finalise the D&AR case at the earliest. But due to non-availability of relied upon documents which are in custody of Spl.Judge Anti Corruption (West) Lucknow are necessarily required for disposal of your case by President of India under Rule (9) & 10 of Indian Railway Pension Rules, 1993. All out efforts i.e. directions from Hon'ble Allahabad High Court Lucknow Bench to Hon'ble Spl.Judge Anti Corruption (West) Lucknow for supplying the documents to Disciplinary Authority have been obtained but the complete relied upon documents have not been supplied by the Hon'ble Court as a result there is delay in finalization of your representation.

As soon as the relied upon documents related to your D&AR case are received from Spl.Hon'ble Spl.Judge (West) Lucknow, your D&AR case will be processed to Competent Authority i.e. President of India for according sanction for imposition of penalty."

3. Earlier also the applicant had instituted O.A. No. 704/91 in respect of his claim relating to pensionary dues. That O.A. too was disposed of vide order dated 24.11.92 with the observation/direction to complete the enquiry within a period of four months. The applicant was given liberty to approach the Tribunal if the enquiry were not completed within the period stipulated in the order. It appears that it was in these circumstances that subsequent O.A. No.435/02 was instituted.

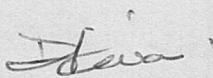
4. The fact is that retiral dues of the applicant have not yet been settled. In Counter Affidavit, filed by Senior

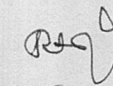
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Divisional Finance Manager, N.C.R., Allahabad, it has been stated that on detection of fraud <sup>the</sup> related documents were seized by the C.B.I., Lucknow who ~~were~~ finally processed the case before Special Judge, Anti Corruption (West), Lucknow and the documents required for finalisation of retiral dues being in custody of Special Judge, Anti-Corruption, Lucknow, final decision in the matter could not be taken. However, <sup>in the counter affidavit</sup> it is further stated that Railway administration have tried their level best to get the documents from the concerned court and <sup>further the</sup> immediately after receipt of copies of the <sup>some of the</sup> same <sup>2</sup> relied upon documents, the case of the applicant shall be processed for finalisation of his disciplinary proceedings under the rules and since the applicant has already been superannuated, further decision in the matter can be taken only under the authority of the President of India. Sri P. Mathur, counsel for Railways states at bar that though there is no definite averment in the counter affidavit, he has <sup>2</sup> instructions to say that the matter has been referred to G.M./F.A & CAO, New Delhi vide letter dated 2/4/04 for onward submission to Railway Board and after the matter is processed by the Railway Board and U.P.S.C., it will be sent to President for awarding punishment etc. In the circumstances, therefore, it cannot be said that respondents have wilfully and deliberately failed to decide the representation and for that purpose failed to complete the disciplinary proceedings. However, it is expected that final decision in the matter will be taken as early as possible.

5. In the circumstances, we find that no case of contempt is made out. The C.C.A. is disposed of accordingly

  
A.M.

  
V.C.

Asthana/