

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 383 of 2003

Allahabad this the 29th day of July, 2004

Hon'ble Mr. Justice S.R. Singh, V.C.

Vishwambhar Nath Malviya a/a 66 years, Son of Late
Chandrashekhar Malviya, Resident of 401-A/108A, Beniganj,
Allahabad.

Applicant

By Advocate Shri Y.K. Srivastava

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

By Advocate Shri Prashant Mathur

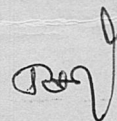
ORDER (Oral)

While the applicant was holding the post of Senior Section Officer in N.C. Railway, Allahabad, he was placed under suspension vide order dated 25.08.1988. The said order came to be revoked by order dated 30.06.93 without prejudice to the disciplinary proceedings based on charge sheet dated 16.09.88. The instant O.A. seeks issuance of a direction to the respondents to finalise the post retiral benefits of the applicant and to pay him compound interest at the rate of 12% per annum on the entire post retiral dues to the applicant. The applicant, it is not disputed, attained the age of superannuation during the pendency of disciplinary

Rtg

proceedings on 31.08.1995. Shri Prashant Mathur, Counsel for the respondents ~~on the other hand~~ submits that the disciplinary inquiry has been concluded and matter is engaging the attention of U.P.S.C. for appropriate orders in the matter. It would further appear that the Tribunal in exercise of its contempt jurisdiction, decided the C.C.A.No.231/01 on 22.05.2002 and had directed the respondents therein to pay entire retiral benefits to the applicant including pension after deducting Rs.20,000/- which may be ultimate liability of the applicant in criminal proceedings and 1/3rd of the total pension be payable to the applicant. Shri Prashant Mathur submits that although department could have deducted 1/3rd of total pension as the order of the Tribunal in the contempt jurisdiction but the applicant has been given provisional pension equal to the regular pension. In view of the order dated 22.05.2002 passed by Tribunal in Civil Contempt Application No.231/01 and also in view of the fact that final decision in the departmental proceedings is very likely to be taken in near future, I do not consider it necessary to pass any further order regarding finalisation of pension etc. and payment of compound interest, as claimed by the applicant in this O.A.

2. In the circumstances, therefore, O.A. is dismissed without prejudice to the right of the applicant to seek redressal of his grievance after the final decision in the disciplinary proceedings. No order as to costs.



Vice Chairman

/M.M./