

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

NO  
Charge  
sheet

O.A. No. 151/92 with M.A.No.318/92 with R.A.St.238/92.  
~~Ex. No.~~

DATE OF DECISION 22.1.1993.

Kashinath A. Pagare, Petitioner

Mr. P.K. Handa, Advocate for the Petitioner(x)

Versus

Union of India & Ors. Respondent s

Mr. B.R. Kyada, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V.Krishnan, Vice Chairman.

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Kashinath A. Pagare,  
Retd. DME - RJT,  
Kashmira,  
Near Sahakari Rice Mill,  
Dabhoi,  
Dist. Vadodara. .... Applicant.

(Advocate: Mr. P.K. Handa)

Versus.

1. Union of India,  
Owing and represented by  
General Manager, Western Railway,  
Churchgate, Bombay.
2. Chief Mechanical Engineer,  
Western Railway,  
Bombay.
3. Divisional Railway Manager,  
Western Railway,  
Rajkot Division, Rajkot.
4. Divisional Accounts Officer,  
Western Railway,  
Rajkot. .... Respondents.

(Advocate: Mr. B.R.Kyada)

ORAL ORDER

O.A.No. 151/92  
with  
M.A.No. 318/92  
with  
R.A.No.238/92

Date: 22.1.1993.

Per: Hon'ble Mr. N.V. Krishnan, Vice Chairman.

Heard Mr.P.K. Handa for the applicant and  
Mr. B.R.Kyada for the respondents.

2. The oral order we dictated on 27.11.92 was  
not signed by us as we felt that if we passed an oral  
order finally disposing of this case before the review  
application No.238/92 filed by the respondents was  
disposed of by the Hon'ble Justice Mr.D.L.Mehta,  
Vice Chairman, Jodhpur Bench (who had passed the  
interim order sought to be reviewed), it might create

complications, if there was a conflict in the decisions. Therefore, we reopened the matter and fixed it for rehearing.


3. Today, when the case was taken up for final hearing, Shri B.R. Kyada for the respondents submitted that R.A.St.No.238/92 has been heard and has been dismissed. In the circumstances, there is now no apprehension of any complication.

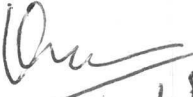
4. We have heard the parties. The relief sought by the applicant is for a direction to the respondents to finalise the enquiry expeditiously so that the other retirement benefits are paid to the applicant. The learned counsel for both the parties submit that the enquiry has already been completed. If that be so, we are satisfied that this application can now be disposed of with a suitable direction to the respondent No.3, the Divisional Railway Manager, Rajkot.

5. Accordingly, we dispose of this application with a direction to 3rd respondent to pass final orders in the enquiry against the applicant - if not already passed - within one month from the date of the receipt of this order and communicate the same to the applicant. He shall also take further decisions in accordance with law, in regard to retirement benefits which the applicant would be

entitled to in the light of the decision taken in the disciplinary proceedings within a further period of two months therefrom.

6. M.A. 318/92 was filed by the respondents for extension of time to implement the interim order dated 28.5.92 on the ground that the review filed by the respondent is pending. Now that R.A. 238/92 has been dismissed, the M.A. has no merit and is dismissed.

  
(R.C.Bhatt)  
Member(J)

  
22.1.93  
(N.V.Krishnan)  
Vice Chairman

vtc.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD

OA/TA/MA/PA/C.A. No.

151 / 1992

K. A. Bagare

M. P. Khandu

APPLICANT(S)

COUNSEL

VERSUS

Wazir

M

RESPONDENT(S)

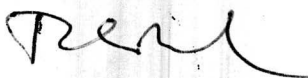
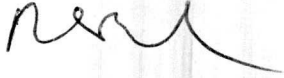
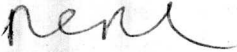
COUNSEL

DATE	Officer Report	Orders
	Advance copy not served 16/3/92	
29/3/92		Notice served on APP & his Adv. M. P. K. Handu.  Pl. issue notice after admission to KAP 2/9/94
29/6/91		notice served on Res. n. 3 & kept with officer notice served on Res. n. 4
4/6/91		Notice served on APPU.
10/6/91		notice served on Res. n. 3
15/6/91		notice served on Res. n. 1, 2

28/2

Pl. check up whether any reply in this case has been filed before as per records  
old missing  
KAP

O.A./157/92

Date	Office Report	Order
6.4.1992	Resp. submitted Reply not filed Christian 27-4-92 S.O.	Heard Mr. P.K. Handa learned advocate for the applicant. Admit. Issue notice on interim relief to the respondents. The respondents to file reply on interim relief within three weeks.   (R.C. Bhatt) Member (A)
28-4-92	Resp. submitted Reply not filed Christian 13-5-92 S.O.	Mr. R.M. Vin for Mr. B.R. Kyada, prays for time to file reply. Time is granted upto 14th May, 1992 to file reply.   (R.C. Bhatt) Member (J)
14.5.92	Resp. submitted Reply not filed Christian 27-5-92 S.O.	Mr. Handa learned advocate for the applicant is present. Mr. Shevde for Mr. Kyada learned advocate for the respondents seeks time to file reply on interim relief. Time granted up to 25th May, 1992 to file reply with advance copy to the learned advocate for the applicant. The matter on interim relief be placed for hearing on 28th May, 1992.   (R.C. Bhatt) Member (J)

\*K

Date Office Report

Order

28.5.1992.

None present on behalf of any of the parties. On 6th April, 1992, directions were given that notice be issued on interim relief to the respondents. On 28th April, 1992, time was granted to the respondents to file the reply upto 14th May, 1992. On 14th May, 1992, again the time was granted to the respondents to file the reply upto 25th May, 1992. Directions were further given, that the matter be placed on 28th May, 1992, in the matter of granting interim relief. Registry has reported that no reply <sup>has been</sup> is filed on behalf of the respondents.

Present petitioner retired on 31st August, 1990. It was reported that some departmental inquiry is going on, and for these reasons the payment of the gratuity and pension has been withhold. petitioner has sought in his petition, the relief that the respondents be directed to finalise the inquiry expeditiously, so that the other retirement benefits can be made available to the applicant. He has prayed that the respondents be directed to release the gratuity and to make the payment at the rate of 18% per annum, as interest. I have gone through the petition, without making any observations. I direct, as the interim relief that the gratuity which is payable may be <sup>paid</sup> released and <sup>paid</sup> pay to the petitioner on giving the undertaking that in case if <sup>his</sup> this petition fails, he will have to re-pay the gratuity with interest at the rate of 15% per annum. The respondents will make the payment within one month. After ~~the~~ <sup>giving</sup> undertaking ~~the~~ by the petitioner. Interim relief as prayed is disposed of accordingly. The case may be listed after <sup>one</sup> ~~two~~ month for final disposal.

( D.L.Mehta )  
Vice Chairman

AIT

7/5/92

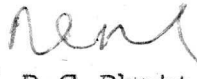

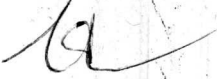


EDL  
28/5/92

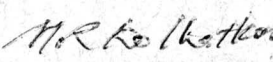
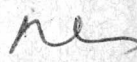

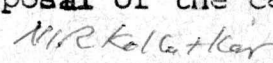
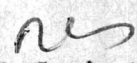
Date	Office Report	Order
29/06/92	<p>Res. submitted, Reply not filed.</p> <p>10 Christian 13.7.92 50</p>	<p>Present : Mr. P. K. Handa, learned advocate for the applicant. Mr. B. R. Kyada, learned advocate for the respondents.</p> <p>Mr. B. R. Kyada, learned advocate for the respondents seeks time to file reply to which Mr. P. K. Handa, learned advocate for the applicant has no objection. Time is granted upto 14th July, 1992 to file reply. The matter is kept on 14th July, 1992.</p> <p>VMU</p> <p>( R. C. BHATT ) Member (J)</p>

*R. C. Bhatt*  
( R. C. BHATT )  
Member (J)

7/5/92

O.A./151/92

Date	Office Report	Order
.7.1992.		<p data-bbox="711 471 1604 958">The learned counsel for the respondents submits that the reply has already been filed in this case. <del>though</del> Our records show that the reply has not been annexed to the case file, the Registry has to check up whether the reply has been filed or not. Learned counsel for the respondents to check up with the Registry and if the reply is not filed it may be filed within a period of one week. Call on 30th July, 1992.</p> <p data-bbox="695 992 938 1130"> ( R.C. Bhatt ) Member (J)</p> <p data-bbox="1230 1062 1539 1130"> ( N.V. Krishnan ) Vice Chairman</p> <p data-bbox="683 1226 748 1260">AIT</p>
7.5.93		<p data-bbox="721 1296 1620 1531">Mr. Handa learned advocate for the applicant is present. Mr. Kyada, has filed leave note. The Division Bench is not available. Hence, the matter is adjourned to 10.5.93.</p> <p data-bbox="1230 1617 1572 1687"> (V. Radhakrishnan) Member (A)</p> <p data-bbox="727 1765 776 1799">*K</p>
10.5.1993.		<p data-bbox="683 1843 1620 2077">This case may be placed on 09.06.1993, before the Second Court as Hon'ble Shri R.C. Bhatt was a party to the order by which the Original Application no.151/92 has been disposed of. Call on 09.06.1993.</p> <p data-bbox="651 2137 1008 2208"> ( V. Radhakrishnan ) Member (A)</p> <p data-bbox="1279 2156 1539 2226"> ( N.B. Patel ) Vice Chairman</p> <p data-bbox="646 2249 711 2283">AIT</p>

DATE	OFFICE REPORT	ORDERS
9/6/93		<p>Mr.P.K.Handa for the applicant.                      Mr.B.R.Kyada for the respondents.                      Call on 18/6/93.</p> <p style="text-align: center;">                       (M.R.Kolhatkar)                      Member (A)                 </p> <p style="text-align: right;">                       (R.C.Bhatt)                      Member (J)                 </p> <p style="text-align: center;"><del>/SS</del></p> <p style="text-align: center;">CO/SS</p>
18.6.93		<p>None for the parties. In the interest of justice, the matter is adjourned to 12th July, 1993.</p> <p style="text-align: right;">                       (R.C. Bhatt)                      Member (J)                 </p> <p>vtc.</p>
12/7/93	<p><u>Res sub:</u>                      1) On searching one duplicate file of this no. traced out from record                      2) As post leg A in that file it appears that this file was not traceable at that time hence that file was prepared on 12/8/92 and those after</p> <p>(P.T.)</p>	<p>None is present. The record does not show that the matter is finally disposed of. Though, the order <del>xxxxxx</del> sheet dated 10/5/93 shows that this matter was disposed of finally. Moreover, in M.A./186/93 the respondents have prayed for modification in original order <del>ix</del> dated 22/1/93. There is no order sheet of this date in the file. Therefore, the Registry is directed to place before us the order sheet dated 22/1/93 and any subsequent orders passed thereafter including the final order of the disposal of the case if any. Call on 29/7/93.</p> <p style="text-align: center;">                       (M.R.Kolhatkar)                      Member (A)                 </p> <p style="text-align: right;">                       (R.C.Bhatt)                      Member (J)                 </p>

DATE	OFFICE REPORT	ORDERS.
	<p>Case was disposed of on 22-1-93 on that file.</p> <p><del>2) That file is placed below.</del></p> <p>3) one MA 186193 filed by Respo for malpractice in original order.</p> <p><u>AT-Rural</u></p>	
	<p>28-7-93</p>	
	<p>DR/UD <u>Pratt</u> 28-7-93</p>	

Date	Office Report	O R D E R
29.7.93		<p data-bbox="803 385 1502 499">For want of time the matter is adjourned to 23rd August, 1993.</p> <p data-bbox="885 559 1153 611"><i>M.R. Kolhatkar</i></p> <hr data-bbox="738 611 1258 619"/> <p data-bbox="803 619 1088 690">(M.R. Kolhatkar) Member (A)</p> <p data-bbox="1323 559 1485 611"><i>R.C. Bhatt</i></p> <p data-bbox="1307 619 1510 690">(R.C. Bhatt) Member (J)</p> <p data-bbox="803 742 876 781">etc.</p>

O.A./151/92

DATE	OFFICE REPORT	ORDER
23/8/93		<p data-bbox="736 585 1560 759">Mr.B.R.Kyada for the respondents seeks time. None is present for the applicant.</p> <p data-bbox="846 782 1160 827">Call on 13/9/93.</p> <p data-bbox="776 907 1081 963"><i>M.R. Kolhatkar</i></p> <hr data-bbox="627 963 1191 970"/> <p data-bbox="729 986 1003 1020">(M.R.KOLHATKAR)</p> <p data-bbox="760 1031 932 1065">Member (A)</p> <p data-bbox="760 1134 807 1168">SS</p> <p data-bbox="1324 929 1473 986"><i>R.C. Bhatt</i></p> <p data-bbox="1301 986 1505 1020">(R.C.BHATT)</p> <p data-bbox="1309 1031 1489 1065">Member (J)</p>

DATE	OFFICE REPORT	ORDER

Date	Office Report	O R D E R
27.9.93		<p>None is present. In the interest of justice call, on 18th October, 1993.</p> <p><i>M.R. Kolhatkar</i> (M.R. Kolhatkar) Member (A)</p> <p><i>R.C. Bhatt</i> (R.C. Bhatt) Member (J)</p> <p>vtc.</p>
18.10.93		<p style="text-align: center;"><u>M.A. 186/93</u></p> <p>Mr. B.R. Kyada is present for the original respondents. None is present for the applicant. This M.A. is filed by the original respondents to modify the original order of this Tribunal dated 21.1.93 to the extent that the Competent <del>authority</del> Disciplinary Authority to pass the final order instead of respondent no. 3. and the original respondents have <del>also</del> also pray for one year's time to decide and pass final order. The original respondent also produced along with this M.A. rule-2308, that the President of India is the Competent Authority in this case. Hence, modification as prayed for, is allowed to the extent that in para-5 of the judgement in O.A. 151/92 instead of word "3rd respondent" "<u>Competent Authority</u>" <del>is</del> <sup>be</sup> substituted. Time is granted upto 31.12.93 complied with the order. The Registry to make the modification <del>as</del> as directed above. M.A. is disposed of.</p> <p><i>M.R. Kolhatkar</i> (M.R. KOLHATKAR) Member (A)</p> <p><i>R.C. Bhatt</i> (R.C. BHATT) Member (J)</p>

Date	Office Report	ORDER
27.9.93		<p>None is present. In the interest of justice call on 18th October, 1993.</p> <p>(M.R.Kolhatkar) Member (A)</p> <p>(R.C.Bhatt) Member (J)</p> <p>vtc.</p>
18.10.93		<p><u>M.A.186/93</u></p> <p>Mr.B.R.Kyada is present for the original respondents, None is present for the applicant. This M.A. is filed by the original respondents to modify the original order of this Tribunal dated 21.1.93 to the extent that the Competent <del>author</del> Disciplinary Authority to pass the final order instead of respondent no.3. and the original respondents have <del>also</del> also pray for one years time to decide and pass final order. The original respondents also produced along with this M.A. rule-2308, that the President of India is the Competent Authority in this case. Hence, modification as prayed for, is allowed to the extent that in para-5 of the judgement in O/A 151/92 instead of word "3rd respondent" "Competent Authority" is substituted. Time is granted upto 31.12.93 complied with the order. The Registry to make the modification as directed above. M.A. is disposed of.</p> <p>(M.R.KOLHATKAR) Member (A)</p> <p>(R.C.BHATT) Member (J)</p>