

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 233/92
~~T.A.~~ No.

DATE OF DECISION 19/1/1994

Shri Bupendra E. Patel

Petitioner

Mr. K. K. Shah

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

Mr. N. S. Shevde

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N. B. Patel

: Vice-Chairman

The Hon'ble Mr. V. Radhakrishnan

: Member (A)

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 ?

No

: 2 :

Shri Bupendra E. Patel
Retired Asst. Engineer,
Western Railway, Bhuj.

: Applicant

(Advocate: Mr. K. K. Shah)

Versus

Union of India
Through:
General Manager,
Western Railway,
Churchgate, Bombay.

: Respondent

(Advocate: Mr. N. S. Shevde)

ORAL ORDER

IN

O. A. No. 233/92

Date: 19/1/1994

Per: Hon'ble Mr. N. B. Patel

: Vice Chairman

After some discussion at the Bar and noting that there has been inordinate delay in concluding the enquiry which is initiated in 1989 against the applicant, a retired employee of the railways, and after taking sense of the learned advocates of both the sides, it appears to us that this matter can be finally disposed of by issuing suitable directions to the respondents. Accordingly we direct the respondents :-

- (i) To conclude the disciplinary proceedings pending against the applicant latest within 4 months after the receipt of a copy of this order.
- (ii) To work-out the commuted value of pension payable to the applicant on the basis of the pension which is being paid to him

: 3 :

at present and to pay the said amount to him, minus an amount of Rs.10,000/- which may be withheld by the respondents for appropriation towards any amount found to be recoverable from the applicant at the conclusion of the enquiry. This payment of commuted value of pension minus, Rs.10,000/-, will be made to the applicant within a period of 8 weeks from the date of receipt of a copy of this order by the respondents.

(iii) If the applicant is exonerated at the enquiry, the aforesaid amount of Rs.10,000/- shall be paid to him by the respondents within two weeks after the order exonerating the applicant.

(iv) If any amount is payable to the applicant under the rules on account of leave encashment and/or final T.A., the respondents are directed to make payment of the same to the applicant within 8 weeks of the date of receipt of a copy of this order.

2. If the amount found recoverable from the applicant exceeds Rs.10,000/-, the respondent will be at liberty to recover the excess amount from the monthly pension payable to the applicant by giving him suitable instalments.

3. In view of the above directions, Mr.K.K.Shah for the applicant, seeks permission to withdraw the O.A. with liberty to file a fresh OA. in the event of the

applicant being aggrieved by the decision that may be taken in the departmental proceedings against the applicant. In that event i.e., in the event of the applicant challenging the decision of the departmental enquiry, it will be open to the applicant to claim interest for delay, if any, in the payment of gratuity.

Permission granted with liberty as prayed for.
O.A. stands disposed of as withdrawn. No order as to costs.



(V. Radhakrishnan)
Member (A)



(N.B. Patel)
Vice-Chairman

'pkk'

Date Report

ORDER

21/

Mr.K.K.Shah waives service of M.A. On a copy of M.A. being furnished to him. He agrees to extension of time by six weeks from today for conclusion of the Departmental Inquiry. This appears to be reasonable. M.A. allowed. Time to conclude the Departmental Inquiry extended till 10/8/1994. M.A. disposed of accordingly.

(N.B. Patel)
Vice Chairman

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M.A.507/94 in OA 233/92

10.94

Mr.Shevde states that the copy of M.A. is furnished to Mr.K.K.Shah. Adjourned to 21.10.94. Name of Mr.K.K.Shah may be shown.

(K.Ramamoorthy)
Member (A)

(N.B. Patel)
Vice Chairman

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Date	Office Report	ORDER
21.10.94	Sick note filed by Mr.K.K.Shah. Adjourned to 8.12.94.	<div data-bbox="594 613 866 679" data-label="Text"> <p>(K.Ramamoorthy) Member (A)</p> </div> <div data-bbox="1093 607 1355 673" data-label="Text"> <p>(N.B. Patel) Vice Chairman</p> </div>
8.12.94		<p>It is not very clearly stated in the as to whether the Department itself has ^{so far} the Disciplinary proceedings ^{or not}. At least, no mentioned as the date on which the Department has finalised the proceedings. It is stated whether the matter is pending UPSC, and if so, since when. The ex application being thus incomplete, Railways are directed to complete the 18 in these respect) latest by 14th Decem</p> <p>Call on 14.12.1994.</p> <div data-bbox="598 1676 870 1742" data-label="Text"> <p>(K.Ramamoorthy) Member (A)</p> </div> <div data-bbox="1151 1676 1311 1742" data-label="Text"> <p>(N.B. P Vice Cha</p> </div> <p>vtc.</p>
14.12.94		<p>As the details which we required by Mr. Shevde, to treat the application as are not furnished today, M.A for exten time is rejected.</p> <div data-bbox="627 2242 896 2310" data-label="Text"> <p>(K.Ramamoorthy) Member (A)</p> </div> <div data-bbox="1195 2255 1340 2324" data-label="Text"> <p>(N.B. P Vice Cha</p> </div>