

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
AHMEDABAD BENCH

C.A./30/96 in  
**O.A.NO.** /233/92  
**T.A.NO.**

DATE OF DECISION 01.10.1997

Mr.B.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. V.Ramakrishnan

Vice Chairman

The Hon'ble Mr. T.N.Bhat

Member (J)

**JUDGMENT**

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ? *no*
- 2, To be referred to the Reporter or not ? *no*
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ? *no*

Shri Bupendra E. Patel

Retired Asst. Engineer,  
W.Rly., Bhuj.

Applicant

Advocate Mr. K. K. Shah

versus

1. Union of India, Through :  
Shri N. Ravindra or his  
successor, W.Rly., Churchgate,  
Bombay.

Respondents

Advocate Mr. N. S. Shevde

ORAL ORDER

In

C.A. 30/96 in

O.A. 233/92

Date: 01.10.1997

Per Hon'ble Mr. V. Ramakrishnan : Vice Chairman

The complainant has alleged that the Railway Administration has not carried out the directions of the Tribunal dated 19.1.1994 in O.A. 233/92 and thus they had committed contempt and appropriate action should be taken against them.

2. The complainant was subjected to some disciplinary proceedings while he was in service and it was continued when he attained the age of super-annuation. He had approached the Tribunal and while

disposing of the same<sup>✓</sup> O.A.233/92, the Tribunal had directed on 19.1.1994 that the proceedings pending against him should be concluded within 4 months from the date of receipt of a copy of this order. It also directed the respondents to pay retiral benefits to the applicant and only a sum of Rs.10,000/- was to be kept back for adjustment against the excess amount which was sought to be recovered. The disciplinary proceedings could not be completed within the stipulated time and the Railway Administration had submitted that as he had superannuated, the penalty could only <sup>be</sup> ~~it~~ for withholding of pension and such orders have to be issued by the President in consultation with the UPSC and the same took time. We find from the order dated 29.1.1997 as at Annexure R-1 in the present C.A., that the President in consultation with the UPSC had ordered withholding of 20% pension otherwise admissible to the complainant for a period of 3 years. It is obviously will have prospective effect. After the directions were rendered on 19.1.1994, the disciplinary proceedings have not <sup>been</sup> completed within the stipulated period. The Railway Administration had approached for grant

of extension of time and it is common ground that while extension was given upto 1995, the Tribunal had refused further extension. The main reason furnished by the Railway Administration for this delay is that the consultation with the UPSC etc. took time. While some time is necessary for completion of the requisite process, we hold that the delay of about 3 years from the date of receipt of the order till the completion of the proceedings, is not adequately explained. We take note of the fact that the proceedings have since been completed but the same has been done after considerable delay and this has resulted in delay in release of Rs.10,000/- which was ordered to be withheld by the Tribunal. Keeping in view this fact, we hold that this is a fit case to award cost to the complainant which we quantify at Rs.1000/- ( Rupees one thousand only ) and direct that the same shall be paid by the Railway Administration within a period of 3 months to the complainant from the date of receipt of a copy of this order. We also make it clear that the Railway Administration should also refund the sum of Rs.10,000/- which was withheld


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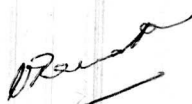
subject to recovery of whatever amounts can be legitimately adjusted against the gratuity as per the Rules.

3. Mr. Shah submits that the applicant should not be put to loss on delayed payment of gratuity etc. and other legitimate dues and thus he is entitled to interest on delayed payment. In view of the rule position, and in the context of the pendency of disciplinary proceedings including deemed proceedings, there is no normal entitlement for release of such retiral benefits before ~~xx~~ finalisation of the proceedings. We are, therefore, not inclined to grant any interest as sought ~~bf~~ in addition to the cost as awarded.

4. Mr. Shah also submits that the applicant wants to challenge the order of reduction in his pension. He can pursue whatever remedies are available to him under the law.

5. With the above directions, the C.A. is disposed of.

  
( T.N. Bhat )  
Member (J)

  
( V. Ramakrishnan )  
Vice Chairman