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SRI LOCHAN.
V/S.
UNION OF INDIA & OTHRS.

O.A.No. 404/08

ORDER DATED 17th MARCH, 2009

Coram:

Hon'ble Mr. Justice K. Thankappan, Member (J)
Hon'ble Mr. C.R. Mohapatra, Member (A)

Aggrieved by the non-payment of his pensionary benefits, the applicant has filed this O.A. It is the case of the applicant that though he retired from service on 31.08.01 none of the pensionary benefits, including gratuity and the PF dues have been paid to him. The applicant has relied on Annexure-A/8 order dated 17.09.07 and Annexure-A/9 order dated 14.02.08 passed by the Divisional Railway Manager E. Co. Rly. Khurda Road. These documents would show that though the applicant has already retired from service, his pensionary benefits have not been given to him in spite of Annexure-A/8 and Annexure-A/9 on the ground that disciplinary proceeding initiated against him as per Annexure-A/1 is still pending.

2. Heard Mr. D.P. Dhalsamant, Ld. Counsel for the applicant and Mr. T. Rath, Ld. Counsel for the Respondents. Mr. Dhalsamant submitted that although in the meantime more than seven years have elapsed from the date of retirement, the Respondent – Department are yet to finalize the disciplinary proceedings initiated against him and thereby the applicant has been deprived of his pensionary benefits to which he is entitled. Mr. Rath, for the Respondents, on the other hand, submitted that it is because of involvement of applicant in the criminal case,

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the matter needs to be considered with reference to the rules governing the subject.

3. After considering the submissions made by the parties and having regard to the Annexure-A/1, the charge Memo, we are of the view that this O.A. can be disposed of by directing the Respondents to conclude the disciplinary proceedings initiated against the applicant and pass final orders thereon at the earliest, at any rate, within six months hence.

4. In the meanwhile, the PF, leave salary, ~~gratuity~~ and provisional pension, if due and admissible, be paid to the applicant, *for the month of* ⁸

5. With the above direction this O.A. is disposed of. No order as to costs.

Shah

MEMBER (A)

Kapoor

MEMBER (J)