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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH
JODHPUR.

Date of Order: 3.8.95.

O.A. No. 96/1995.

Bhika Ram

... Applicant.

VERSUS

Union of India & Ors.

... Respondents.

Mr. J.K.Kaushik- Counsel for the applicant.

Mr. R.K.Soni, Counsel for the respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Ms Usha Sen-Administrative Member.

PER HON'BLE MR. GOPAL KRISHNA :

Shri Bhika Ram has prayed in this application under Section 19 of the Administrative Tribunals Act, 1985, ~~paying the same~~ that the respondents may be directed to finalise the disciplinary proceedings expeditiously within a period of one month and thereafter release the retired benefits i.e. D.C.R.G., Commutation of Pension etc. with-held due to these proceedings.

2. We have heard the learned counsel for the applicant as well as the learned counsel for the ~~CKRHN~~ respondents. The counsel for the parties have agreed

to this matter being disposed of at the stage of admission. The learned counsel for the respondents does not want to file any reply to the application. While posted as Assistant Guard at Ratangarh, the applicant was served with a chargesheet for ~~maximum~~ major penalty vide Annexure A/1 dated 21.1.87 in accordance with the provisions contained in Rule 9 of the Railway Servants (Discipline & Appeal) Rules, 1968, (for short "the Rules"). Subsequently, the disciplinary authority appointed an Inquiry Officer. It is stated that after recording statements of certain witnesses and the statement of the applicant the Inquiry Officer had submitted his report to the disciplinary authority (Respondent No.3) but the disciplinary proceedings have not so far been finalised. The applicant has retired on superannuation and on 30.4.94/ only provisional pension is being paid to him.

3. It is true that the disciplinary proceedings against the applicant are pending for the last more than eight and a half years. Since the inquiry has already been completed and the inquiry report has been submitted to the disciplinary authority, there has been an inordinate delay in finalising the disciplinary proceedings. There has been no explanation for this delay on the record. These disciplinary proceedings relate to an event of 1986 for which the applicant has already been acquitted by the learned District Additional Sessions Judge, Ratangarh, vide his judgment dated 3.5.95.

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4. In view of the facts stated above, we direct the respondent No.3 i.e. the disciplinary authority to take a final decision on the inquiry report within a period of 6 months from the date of receipt of a

copy of this order failing which the disciplinary proceedings against the applicant shall be deemed to have been quashed.

5. The O.A. stands disposed of accordingly, with no order as to costs.

Usha Sen
(Usha Sen)
Member (Adm.)

Gopal Krishna
(Gopal Krishna)
Vice Chairman

V.S./M.

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