

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. OA 1030 of 97

Present : Hon'ble Dr.B.C.Sarma, Administrative Member  
Hon'ble Mr.D.Purkayastha, Judicial Member

PARAMANANDA MONDAL

VS

UNION OF INDIA & ORS.

For the applicant : Mr.M.M.Roychowdhury, counsel

For the respondents: Mr.P.K.Arora, counsel

Heard on : 25.9.97

Order on : 25.9.97

O R D E R

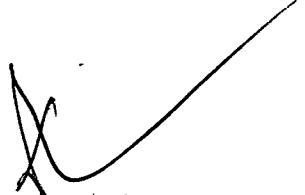
B.C.Sarma, A.M.

This application has been filed by the applicant being aggrieved by the institution of the Disciplinary Proceeding by the respondents and also the order passed by the General Manager conveying the Government's displeasure in the matter. We have heard the submission of Mr.Roychowdhury, 1st. counsel for the applicant and Mr.Arora, 1st. counsel for the respondents. However, Mr.Arora submitted that he does not have any detailed instruction in the matter. We have also perused the records.

2. It appears to us that the applicant had earlier filed OA 799 of 95 which was disposed of by an order dated 4.1.96 whereby the application was dismissed. In that petition the applicant prayed for grant of retiral benefits but it was held that the retiral benefits were not given to him because a Disciplinary Proceeding was pending against him which was under challenge. Now this Proceeding has been challenged. But Mr.Roychowdhury submitted that in the matter of Proceeding he does not have any grievance now his only grievance is non-payment of retiral benefits since he has retired on 28.2.94.

3. We thus find that so far as the grievance raised in the petition is concerned Disciplinary Proceeding has got to be closed. Now when the Proceeding is over the respondents shall disburse the retiral benefits to the applicants without any further delay. Accordingly we order that on the basis of the order passed by the respondents on 17.4.97 all retiral benefits be disbursed to him within a period of 3 months from the date of communication of this order.

4. Mr. Roychowdhury submitted that in this case the conclusion of the Disciplinary Proceeding was delayed at the instance of the respondents and, therefore, the applicant is to receive penal interest on the amount of retiral benefits. We have considered the submission of Mr. Roychowdhury but we find that there was a Proceeding pending against the applicant which was initiated in 1994 and in 1997 it came to be closed. When a Disciplinary Proceeding lies pending against any person there is no provision to disburse all retiral benefits to him. Therefore, we are of the considered view that the applicant is not entitled to receive any interest on the amount of retiral benefits. We make it clear that if there is any delay on the part of the respondents in disbursing all retiral benefits to the applicant within 3 months of the date of communication of this order, the respondents shall pay interest at the rate of 10% per annum from the date immediately following the expiry of the said 3 months. No order as to costs is passed. The application is, therefore, disposed of.

  
MEMBER (J)

  
MEMBER (A)