

**Central Administrative Tribunal, Lucknow Bench,
Lucknow**

Original Application No. 519/2009

This the 22th day of December, 2009

Hon'ble Ms. Sadhna Srivastava, Member-J

Hon'ble Dr. A.K. Mishra, Member-A

Cyril Solomon, Aged about 64 years, S/o late Sri A. Solomon, R/o No.2 Lajpat Rai Road, Post Dilkusha, Lucknow Cantt.

.....Applicant

By Advocate: Sri Praveen Kumar.

Versus

1. Union of India through the G.M., N.R., Baroda House, New Delhi.
2. The Chief Works Manager, Carriage & Wagon Shop, N.R., Alambagh, Lucknow.
3. The Deputy Chief Mechanical Engineer (W), Carriage & Wagon Shop, N.R., Alambagh, Lucknow.

.....Respondents

By Advocate: Sri B.B. Tripathi for Sri N.K. Agarwal.

ORDER (Oral)

By Dr. A.K. Mishra, Member-A

This application has been made on the ground of inaction of the respondents in concluding two disciplinary proceedings initiated against him and consequently not releasing the gratuity and commutation of pension amount payable to him after his superannuation.

2. While the applicant was working on the post of Office Superintendent-I, a chargesheet was issued to him on 31.8.2004 alleging that he had handed over official letters to Sri Sitab Rai and Kandhai who were not employees of the railways, directly received forged transfer orders from these persons and processed these letters in such a manner that several persons who were never employees of the Railways got their appointments in C&W Workshop, Alambagh, Lucknow. He failed to intimate the correspondence in respect of forged transfer orders

to DRM, N.R., Lucknow, which facilitated misuse of railway letters by unauthorized persons and bogus appointment of these persons as Khalasi. A second chargesheet was also issued against him on 24.12.2004 on the basis of similar allegations in which S/Sri Suresh Kumar and Surendra Singh obtained appointment as Khalasi on the basis of fraudulent transfer orders. According to the applicant, he had denied the allegations and inquiries were started on 21.4.2005 in respect of first chargesheet and on 14.2.2007 in respect of second chargesheet. After conclusion of inquiry on 23.1.2007 and 11.7.2007 inquiry reports were submitted by the Inquiry Officers on 18.7.2007 and 2.9.2007 respectively. After getting copies of inquiry reports, he submitted his representations in respect of the first chargesheet on 30.7.2007 and for the second chargesheet on 16.9.2007. He has superannuated from railway service on 31.5.2006. Even though more than two years have elapsed since submission of his representations, no final orders have been passed by the disciplinary authority so far. As a result thereof, the gratuity amount and commutation of pension for which he is eligible have not been released to him, although he has retired from service 3 ½ years back. The learned counsel for the applicant submits that the purpose of this O.A. would be served if a direction is given to the respondents to take final decisions in respect of disciplinary proceedings pending against the applicant within a specified time-frame. Sri B.B. Tripathi holding brief of Sri N.K. Agarwal, counsel for the respondent has no objection in respect of the prayer made by the applicant.

3. In the circumstances, the competent authority is directed to finalise the disciplinary proceedings pending against the applicant in respect of which inquiry reports are already with them within a period of six months from the date a copy of this order is supplied to him. Needless to say that we have expressed no opinion about merits of the disciplinary proceedings pending against the applicant. The competent authority should also take a



decision regarding release of gratuity and commuted pension amount on the basis of decisions taken by him in the pending disciplinary proceedings within a month from the date of passing of the decisions in the aforesaid disciplinary proceedings.

4. The O.A. is disposed of with the above observations.
No costs.


(Dr. A.K. Mishra)
Member-A


(Ms. Sadhna Srivastava)
Member-J

Girish/-