

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

**ORIGINAL APPLICATION No.418/2009**

This the 17<sup>th</sup> day of December, 2009

**Hon'ble Ms. Sadhna Srivastava, Member (J)**  
**Hon'ble Dr. A.K. Mishra, Member-A**

Arvind Kumar Hundoo, aged about 65 years, son of Late Shri S.N. Hundoo, resident of -48-D, Sector-D, LDA Colony, Kanpur Road, Lucknow.

.....Applicant

By Advocate: Sri Praveen Kumar.

**Versus**

1. Union of India, through the General Manager, Northern Railway, Baroda House New Delhi.
2. The Chief Works Manager, Carriage & Wagon Shop, Northern Railway, Alambagh, Lucknow.
3. The Dy. Chief Mechanical Engineer, Carriage & Wagon Shop, Northern Railway, Alambagh, Lucknow.

.....Respondents

By Advocate: Shri Raj Singh holding brief for Shri S. Verma.

**ORDER (Oral)**

**By Ms. Sadhna Srivastava, Member-J**

The applicant seeks a direction to the respondents to release the amount of gratuity, commutation of pension and other retrial dues. Further, there is a prayer to finalize the disciplinary proceedings pending against the applicant.

2. The facts as alleged in the OA are that the applicant while working as Office Superintendent-I was served with a charge sheet dt.24/29.01.2002. He submitted reply to it. The Enquiry officer submitted his report after completing enquiry. On 10.04.2004, the disciplinary authority issued a show cause notice to the applicant inviting objections against the enquiry report. The applicant submitted representation against enquiry report on 19.11.2004. He has superannuated from the railway service on 31.07.2004. Even though more than 3 years have passed since submission of his representation

5  
K

against the enquiry report, no final order has been passed by the disciplinary authority so far. As a result thereof the gratuity amount and commutation of pension for which the applicant is entitled have not been released to him. Although he has retired from service 5 years back.

3. The learned counsel for the applicant submitted that the purpose of this OA would be served if a direction be issued to the respondents to take final decision in respect of disciplinary proceedings

pending against the applicant within the stipulated period. Shri B.B. Shri Roy Singh  
holding brief of Shri S. Verma  
(Tripathi holding brief for Shri N.K. Agrawal) learned counsel for the respondents has no objection to the prayer made by the applicant.

4. In the circumstances, the OA is disposed of with a direction to the disciplinary authority to finalize the disciplinary proceedings pending against the applicant in respect of which the enquiry report has already been submitted by the Enquiry Officer within a period of six months from the date of receipt of the certified copy of this order. It is needless to say that we have not expressed any opinion on the merits of the case.

5. The competent authority should also take a decision regarding release of gratuity as well as commutation of pension amount on the basis of the decision taken by him in the disciplinary proceedings within a month after passing of decision in the aforesaid disciplinary proceedings.

4. The OA is disposed of with a above direction. No costs.

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

  
**(Ms. Sadhna Srivastava)**  
**Member-J**