

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION NUMBER 762 OF 1993

MONDAY THIS THE 14TH DAY OF FEBRUARY, 1994.

Mr. Justice P.K. Shyamsundar, ... Vice-Chairman.

Mr. T.V. Ramanan, ... Member (A)

C.S.V. Jois,

Aged 60 years,
S/o late Sri Shamanna Jois,

Retired Assistant Post Master,
Settihalli Road, Tumkur-2.

.. Applicant.

(By Advocate Shri S.K. Mohiyuddin)

v.

1. Union of India
through Secretary,
Department of Posts,
New Delhi-1.

2. The Director of Postal Services,
S.K. Region, Bangalore-1.

3. The Superintendent of Post
Offices, Tumkur-2.

.. Respondents.

(By Standing Counsel Shri M. Vasudeva Rao)

O R D E R

Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

Heard. Admit.

This application is against an order directing the continuance of a pending inquiry even after the applicant's retirement and further directing payment of provisional pension minus the D.C.R.G due to him which has already been withheld pending inquiry. It is common ground that the inquiry is almost over and the report of the Inquiry Officer having been made, a copy was posted to the applicant whereon comments are said to be

now before the Disciplinary Authority. With the result, the Disciplinary Authority will now have to apply his mind to the report, apropos the comments of the applicant and thereafter record a finding whether the applicant is or is not guilty of the charges levelled against him. But, the position however is even if the applicant is held to have committed some misconduct, no punishment can be imposed on him under the Rules. A punishment of dismissal or removal cannot be imposed on the retired employee. But, Government is at liberty to forfeit either fully or in part the pension payable to the applicant as also the D.C.R.G. amount. The disciplinary rules require that even after retirement the D.C.R.G. amount due to the retiring officer could be withheld if the charge is established. The action taken to withhold the D.C.R.G. amount, as in this case, is in conformity with the Rules and little exception can thus be taken to the administrative action. Mr. S.K.Mohiyuddin, learned counsel for the applicant tells us that his client has been put to great hardship and sufferings because the D.C.R.G. amount ~~being~~ held up ^{As a result} due to which he could not perform his daughter's marriage. He makes a suggestion to direct the department to release atleast Rs.10,000=00 out of the D.C.R.G. amount so that with that small mercy he can go ahead and perform the marriage of his daughter. While we are deeply moved by the submissions of Mr. Mohiyuddin who tells that for want of money the applicant could not perform his daughter's marriage, at the same time we are unable to do anything and certainly not accede to his request directing the Government to release part of the gratuity amount. What is claimed from him is Rs.85,000/- whereas the D.C.R.G. amount due to him is Rs.30,000/- and odd. In those circumstances partial release will result in loss of revenue to Government and when action taken to withhold D.C.R.G. being in conformity with the Rules,

it would be certainly not open to us to aid the applicant by transgressing that Rule. In the circumstances all that we can do is to direct the Disciplinary Authority to dispose of the inquiry expeditiously and pass final orders thereon within 4* weeks from the date of receipt of a copy of this order. Let a copy of this order be sent to the Disciplinary Authority for information, compliance and necessary action. With these observations this application stands disposed off. No costs.


MEMBER(A)


VICE-CHAIRMAN

*Correction

Replaced figure

'4 Weeks' by '4 months'

as per order of the

Bench dated 16.03.94

in M.A.147/94 in O.A.762/93


DEPUTY REGISTRAR(J).

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

II Floor,
Commercial Complex(BDA),
Indiranagar,
Bangalore-560 038.

Dated 21st April, 1994

File of O.A.No.762/93

C O R R I G E N D U M

The Hon'ble Tribunal on M.A.No.147/94
(in O.A.No.762/93) filed by respondents, has ordered
on 16.03. '94 that the following corrections be made
in the Tribunal's order passed on 14.02. '94 in
Application No.762/93:-

For the words '4 weeks' appearing at
page No.3, line 4 & 5 of the Order dated 14.02. '94
in Application No.762/93, the words '4 months' be
substituted.

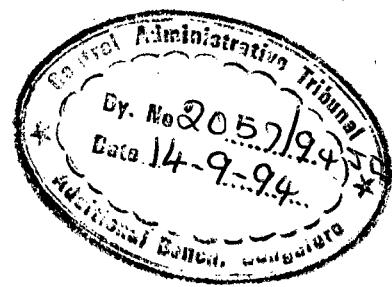
Corrigendum is hereby issued accordingly

By Order of the Court.

21/4/94
(N.RAMAMURTHY)
DEPUTY REGISTRAR (J).

Corrected copy of the order
dated 14.02. '94 in O.A.762/93
is attached.

21/4/94



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE.

M.A. NO. 411 / 1994.

IN

O.A. NO. 762 OF 1993

BETWEEN

Sri. C. S. V. Jois

..APPLICANT

AND

The Union of India
and others.

..RESPONDENTS

MISCELLANEOUS APPLICATION FOR EXTENSION OF TIME

FILED BY THE RESPONDENTS .

1. It is submitted as follows:

This Hon'ble Tribunal by its order dt. 16.03.94 has directed the Disciplinary Authority to dispose the inquiry and pass final orders within four months from the date of receipt of the copy of the order. The copy of the order was received on 02.03.94. The time granted expired on 01.03.94.

There is a short delay in filing this miscellaneous application for which a separate MA for condonation of delay is filed. The applicant was proceeded under Rule-14 of the CCS (CCA)Rules 1964 before his retirement because of his involvement in a fraud case. Since the applicant has retired from service, the case was referred to the first respondent

Retired Copy

SD/2
Parvathie
7/4/94

on 06.05.94 to finalise the same. On 14.07.94 the first respondent sought the preforma information and the same has been submitted by the second respondent on 25.08.94. Now the action is to be taken and disciplinary case against the applicant has to be finalised in consultation with UPSC.

2. For the reason stated above the time granted by the tribunal is too short and some more time is required for the respondents to complete the enquiry.

Wherefore it is prayed that this Hon'ble Tribunal may be pleased to grant six more months time from 02.07.94 for complying the directions of this Hon'ble Tribunal.

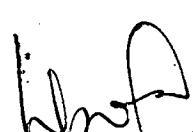
VERIFICATION

I, B.V. Srinivasarao, APMG(Staff)

do hereby verify that the contents made in paras 1-2 of the application for extension of time are true to the best of my knowledge information and belief.

BANGALORE

07.09.94


for RESPONDENT

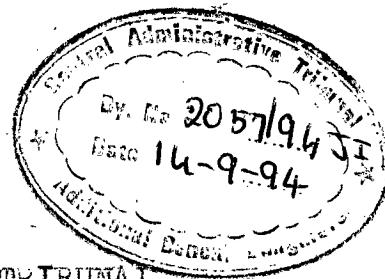
BANGALORE

07.09.94.


(M.V.RAO)
ADDL. CENTRAL GOVT STANDING COUNSEL

&
ADVOCATE FOR RESPONDENTS

27
Post on ~~20~~ 1994



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE.

M.A. NO. 410 /1994

IN

O.A. NO. 762 OF 1993

BETWEEN

Sri. C. S. V. Jois

.. APPLICANT

AND

The Union of India
and others

.. RESPONDENTS

APPLICATION FOR CONDONATION OF DELAY FILED BY
THE RESPONDENTS IN FILING THE MISCELLANEOUS
APPLICATION FOR EXTENSION OF TIME.

It is submitted as follows:-

Received copy

SDS
Advocate
12/9/94

1. This Hon'ble Tribunal by its order dt. 16.03.94
has directed the Disciplinary Authority to dispose
the inquiry and pass final orders within four months
from the date of receipt of the copy of the order. ✓ 14/9/94
The copy of the order was received on 02.03.94. ✓ 14/9/94
The time granted expiry on 01.07.94. ✓ There is a

short delay in filing the miscellaneous application
for extension of time. ✓ 14/9/94

2. The respondents were under the bonafide impre-
ssions that the directions of this Hon'ble Tribu nal
could be complied within the stipulated period.
But due to various procedure involved in the
case and also the matter has to be finalised
in consultation with the UPSC neither the directions

were complied nor MA for extension of time was filed within the period. The respondents have no intention to disobey or to disrespect the order, but due to bonafide reasons they could not approach this Tribunal in time seeking for extension of time. Hence this Hon'ble Tribunal may be pleased to condone the delay in filing the miscellaneous application for extension of time.

for XXXXX



(M. V. RAO)

BANGALORE

07.09.94.

ADDL. CENTRAL GOVT STANDING COUNSEL

&

ADVOCATE FOR RESPONDENTS

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE.

M.A. NO. /1994

in

O.A. NO. 762 OF 1993

BETWEEN

Sri. C. S. V. Jois.

..APPLICANT

AND:

The Union of India
and others

..RESPONDENTS

A F F I D A V I T

I, B.V. Srinivasiah, APMG (Staff), 902/CPMG, Bangalore

do hereby solemnly affirm and state on
oath as under:

1. I am the representative of all respondents
and I know the facts of the case.

2. The contents made in paras 1-2 of the I.A.
for condonation of delay accompanying this affi-
avit are true to the best of my knowledge
information and belief.

BANGALORE

DT: 23.09.94


DEPOENT

CERTIFICATIONS:

IDENTIFIED BY

ANVADATH

VALID TILL

OCT 1994

Commissioner

Area

State

India

1994

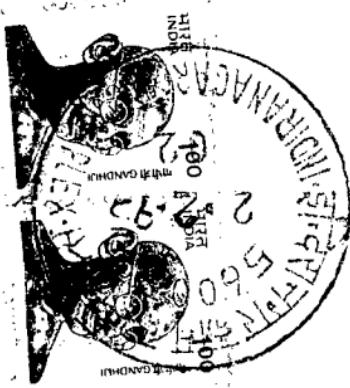
Year

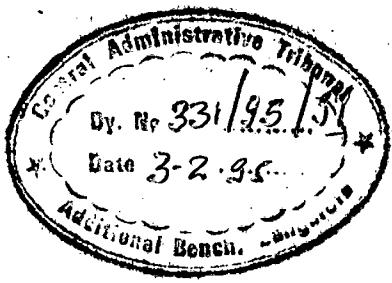
1994

UNDER CERTIFICATE OF POSTING

To

Shri. S.K.Mohinuddin,
Advocate,
No.11, Jeevan Building,
Kumara Park East,
Bangalore - 560 001.





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

M.A. No. 73 of '95

in

O.A. No. 762/93

BETWEEN:

Shri. C.S.V.Jois, .. Applicant.

AND:

Union of India & ors. .. Respondents.

MISCELLANEOUS APPLICATION FILED ON BEHALF OF THE RESPONDENTS

FOR CONDONATION OF DELAY

It is submitted as follows:

1. This Hon'ble Tribunal by its order dt. 14-02-94 has directed the disciplinary authority to complete the inquiry pending against the applicant and pass final orders within four months from the date of the receipt of the copy of the order. When the directions could not be carried out by the respondents, time was extended by two months on 28-09-94, which also came to an end on 27-11-94.
2. The respondents have now filed a misc. appln. for extention of time. There is a delay of little more than two months. The respondents were under the bonafide impression that the directions could be carried out within the extended

period. The delay in filing the misc. appln. for extention of time is due to oversight and not due to any indifference, negligende, but bonafide.

3. Hence, this Hon'ble Tribunal may be pleased to condone the delay in filing the misc. appln. for extention of time, in the interest of justive and equity.

BANGALORE

01-02-95


(M.V.RAO)
ADDL. CENTRAL GOVT. STANDING COUNSEL
&
ADVOCATE FOR RESPONDENTS.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

M.A. No. 73 of '95

in

O.A. No. 762/93

BETWEEN:

Shri. C.S.V.Jois .. APPLICANT.

AND:

Union of India & ors. .. RESPONDENTS.

A F F I D A V I T

I, B.V. Srinivasarao, APMG (Staff)
% The ePMG, Bangalore, do hereby
solemnly affirm and state on oath as follows:

1. I am conversant with the facts of the case and I am authorised to swear to this affidavit.
2. The statements made in paras 1-3 of the accompanying misc. appln. for condonation of delay are true to the best of my knowledge and belief.

Oath Commissioner
BANGALORE
DT: 01-02-95

IDENTIFIED BY:



NO. OF CORRECTIONS. TWO

DEPARTMENT: General (STAFF)
Asst. Commissioner
Karnataka Circle, Bangalore-560001

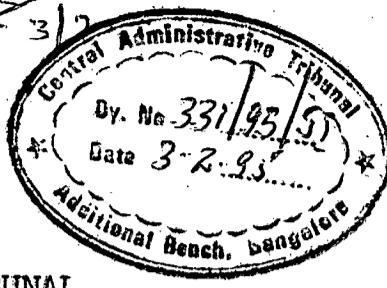
solemnly affirmed Sworn to before
me this the 1st day of Feb
1995

Place: 1st Oath Commissioner

filed before Me on 3/2/95

Plaughed on 7-2-95

Q.M.A.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

M.A. No. 74 of '95

in

O.A. No. 762/93

BETWEEN:

Shri. C.S.V.Jois .. Applicant.

AND:

Union of India & ors. .. Respondents.

MISCELLANEOUS APPLICATION FILED ON BEHALF OF THE RESPONDENTS

FOR EXTENTION OF TIME

It is submitted as follows:

1. This Hon'ble Tribunal by its order dt. 14-02-94 has directed the disciplinary authority to dispose of the inquiry expeditiously and pass final orders thereon within four months from the date of the receipt of the copy of the order. Since the directions could not be carried out within the time stipulated in the order, the respondents have approached this Hon'ble Tribunal on an earlier occasion and this Hon'ble Tribunal was pleased to extend the time by two months on 28-09-94. The extended period also expired on 27-11-94. There is a delay of filing this application for which a separate MA along with an affidavit is also being filed.

2. It is submitted that the case is still under

process. The issues involved in the case and the decision can be taken only after consulting the UPSC which takes longer time.

3. The respondents have absolutely no intention to prolong the matter or to disobey the same in any manner. However, inspite of the serious and sustained efforts are being made, the directions could not be carried out till date and an inevitable situation has arisen to file this misc. appln. for further extention of time to comply the directions of this Hon'ble Tribunal.

4. Wherefore, this Hon'ble Tribunal may be pleased to grant three more months time from the date of filing this application to comply the directions in the interest of justive and equity.

VERIFICATION

I, B.V. Srinivasaiah, APMG (Staff)

Of the APMG, Bangalore, do hereby on my own behalf and on behalf of the respondents verify and state that what is stated above is true to the best of my knowledge and information.

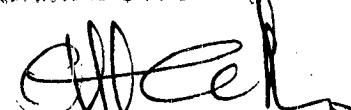
BANGALORE

01-02-95


for RESPONDENTS
Asst. Postmaster General (Staff),
Karnataka Circle, Bangalore-560001

BANGALORE

01-02-95


(M.V.RAO)

ADDL. CENTRAL GOVT. STANDING COUNSEL

&
ADVOCATE FOR RESPONDENTS.