

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. No. 1229/93

Dt. of Decision : 2.12.93

S. Bhaskara Rao

. . Applicant

Vs

1. The Secretary to Government,
Ministry of Finance,
Department of Revenue,
New Delhi.
2. The Secretary,
Central Board of Excise & Customs,
North Block,
New Delhi.
3. The Collector of Central Excise, *Banarbagh*,
Hyderabad. . . Respondents.

Counsel for the Applicant : Mr. K.S.R. Anjaneyalu

Counsel for the Respondents : Mr. N.V. Ramana, ADd1. CGSC

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

OA.1229/93

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice-Chairman)

Heard Sri K.S.R. Anjaneyulu, learned counsel for the applicant and Sri N.V. Ramana, learned counsel for the respondents.

2. Charge-memo dated 12-9-1991 was issued to the applicant when he was working as Assistant Collector, Central Excise. He was allowed to retire on voluntary retirement on 13-2-92. As the disciplinary proceedings in pursuance of the charge memo dated 12-9-91 is not concluded, gratuity was not paid. As only provisional pension is being paid, the applicant has not the opportunity for commutation ^{of} part of the pension.

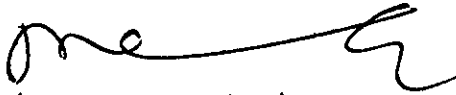
3. It is contended for the applicant that as per letter No. A.38012/4/88-Ad.II dated 25-4-1988 of Ministry of Finance, Dept. of Revenue, the inquiries had to be completed within a period of nine months from the date ^{the} ~~of~~ decision is taken to proceed with the delinquent officer and as ^{the} ~~even~~ the inquiry officer was not appointed in this case ^{tili} ~~even~~ today, the charge memo dated 12-9-1991 is liable to be quashed.

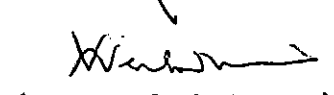
This OA was filed praying for a direction to the respondents to pay the retirement benefits i.e. gratuity and commuted value of pension due to the applicant with 12% interest by declaring the charge memo dated 12-9-1991 as arbitrary, unsustainable in law due to prolonged delay in initiating the charges and in completion thereof.// The time fixed as per the letter dated 25-4-1988 referred to above cannot be held as ^{mandatory. But} ~~arbitrary~~ but at the same time, the concerned authority ^{has} ~~have~~ to feel the necessity of expediting the inquiries especially in regard to the retired employees as

large amounts due by way of gratuity etc. ~~are~~ are is withheld.

4. So we feel that it is proper to require R-1 to dispose the disciplinary proceedings in regard to the charge memo dated 12-9-1991 by 30-4-1994 failing which 50% of DCRG has to be released to the applicant by 15-5-94.

5. The OA is ordered accordingly, at the admission stage.
No costs.


(R. Rangarajan)
Member (Admn)


(V. Neeladri Rao)
Vice Chairman

Dated : December 2, 1993
Dictated in the Open Court


Deputy Registrar (Judl.)

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Copy to:-

1. The Secretary to Government, Ministry of Finance, Department of Revenue, New Delhi.
2. The Secretary, Central Board of Excise & Customs, North Block, New Delhi.
3. The Collector of Central Excise, ^{Banewar} Hyderabad.
4. One copy to Sri. K.S.R. Anjaneyulu, advocate, CAT, Hyd.
5. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-


21/2/93.