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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

G.A. 959/94.

Dt. of Decision : 26-9-94,

Mohd. Asghar Ali

.. Applicant.

Vs

1. Union of India rep. by
Member (P), Central Board of
Excise and Customs, Department
of Revenue, Ministry of Finance,
Govt. of India, North Block,
New Delhi.

2. Collector of Central Excise,
Basheerbagh, Hyderabad. .. Respondents.

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

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

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

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25/11/94

25/11/94

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O.A. 959/94.

Dt. of Decision : 26-9-94.

ORDER

¶ As per Hon'ble Shri A.V.Haridasan, Member (Judl.) X

The applicant who is a retired Superintendent of Central Excise and Customs has filed this application under section 19 of the Admn. Tribunals Act for a direction to the respondents to finalise the disciplinary proceedings pending against him and to release to him his retiral benefits.

2. The facts in brief are as follows. On 26-7-90 just a few days prior to the retirement of the applicant he was served with a memorandum of charges. The applicant in his explanation denied the charges. An enquiry was held. In the meantime on 31-8-90 the applicant has retired. The enquiry authority on completion of the proceedings submitted ^{its report} to the disciplinary authority on 26-5-92 holding that the charges against that the applicant were not proved. The grievance of the applicant is as the disciplinary authority has not passed final orders in the matter, and his pensionary benefits are being withheld unreasonably and illegally.

3. The respondents in their reply affidavit did not controvert the factual allegations ⁱⁿ of the application. They contend that as the applicant is a retired officer, and as the President is the disciplinary authority, the finalisation of the disciplinary proceedings ^{is} pending with the ministry, and, therefore, his retiral benefits could not so far been released to him.

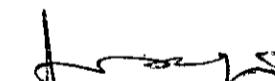
4. As the case relates to finalisation of disciplinary proceedings and ^{Settlement} ~~relates~~ of retiral benefits of an employee who retired more than 4 years ago, we are of the view that the matter can be disposed of at the admission stage ^{ON} itself and counsel ~~for~~ either side also agreed to this

2nd/

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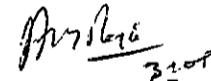
course. Since the enquiry report has been received by the disciplinary authority as early as on 26-5-92, We are of the view that the time taken so far is more than sufficient for finalising the disciplinary proceedings, and we do not find any justified reason for delaying in the matter any further.

5. In result the application is disposed of with a direction to the respondents to pass final orders in the disciplinary proceedings initiated against the applicant as on 26-7-90 as expeditiously/possible and at any time not later than within a period of 2 months from the date of receipt of this order. We have also direct that the matter concerning finalisation of the pensionary claims of the applicant also should be disposed of without any further delay. Hence application is disposed of with the above directions without any order as to costs.


(A.B. GORTHI)
MEMBER (ADMIN.)


(A.V. HARIDASAN)
MEMBER (JUDL.)

Dated : 26th Sept. 1994.
Dictated in Open Court.


Dy. Registrar (Judl.)

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2. Collector of Central Excise, Bashaerbagh, Hyd.
3. One copy to Sri. K.S.R. Anjaneyulu, advocate, CAT, Hyd.
4. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
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OA-959/94

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(J)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

Dated: 26/9/94

ORDER/JUDGMENT.

M.A./R.P/C.P/No.

D.A.NO.

959/94

T.A.NO.

(W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with Directions. *for admission
step*

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

