

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

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O.A. No. 960/94.

DT. of Decision : 26-9-94.

K. Sree Ramulu Chetty

.. Applicant.

Vs

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

2. Collector of Central Excise,  
Bashheerbagh, Hyderabad.

.. Respondents.

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

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

CORAM:

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

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

..2

25/11/94  
PM

D.A. 960/94.

Dt. of Decision : 26-9-94.

ORDER

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

The grievance of the applicant who is a retired Superintendent of Central Excise and Customs is that though the enquiry authority has submitted his report of enquiry to the disciplinary authority on 14-2-92, in respect of the enquiry ~~held~~ <sup>persuant</sup> to charge sheet dt. 9-8-90, the disciplinary authority is yet to finalise the proceedings with the result his pensionary benefits are being withheld from him. Under these circumstances the applicant prays that the respondents may be directed to pass final orders in the disciplinary proceedings and to release his pensionary benefits without further delay.

2. The respondents in their reply affidavit contend that though the report of enquiry, which contains a finding, that the charge against the applicant has not been proved was received by the disciplinary authority on 14-2-92.

As the case relates to <sup>a</sup>retired officer, the president, being the disciplinary authority, is under rule 9 of the CCS pension rules, the finalisation of the matter is still pending with the ministry and therefore the retiral benefits of the applicant could not yet be settled and paid to him.

3. As the case relates to the finalisation of disciplinary proceeding in the case of <sup>an</sup> officer who retired as early as on 31-10-91 and as his pensionary DCRG benefits such as ~~etc.~~ etc., are being withheld from him on account of pendency of the proceedings, we are of the

considered view that the matter has to be disposed of at the admission stage itself with a direction to the respondents to pass final orders in the disciplinary proceedings initiated against the applicant on the basis of the memorandum of charges dt. 9-8-90 as expeditiously as possible, but not later than within a period of 2 months from the date of receipt of this order. We also direct that the claim of the applicant regarding his retiral should be thereafter benefits also settled without any further delay. The application is disposed of ~~in the above manner~~ any order as to costs.

*Tags*  
(A.B. GORTHI)  
MEMBER (ADMN.)

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

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

*Anil*  
DEPUTY REGISTRAR (J)

SPR

To

1. The Member(P), Central Board of Excise and Customs, Department of Revenue, Ministry of Finance, North Block, Govt. of India, New Delhi.
2. The Collector of Central Excise, Basheerbagh, Hyderabad.
3. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT, Hyderabad.
4. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One copy for spare.

YLKR

*3rd page  
in 4/10/94*

Typed by  
Checked by

Compared by  
Approved by

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. ~~X~~R.P/C.P. No.

D.A. No. 960/94 in

T.A. No.

(W.P. No. )

Admitted and Interim Directions  
Issued.

Allowed.

Disposed of with Directions.

Dismissed.

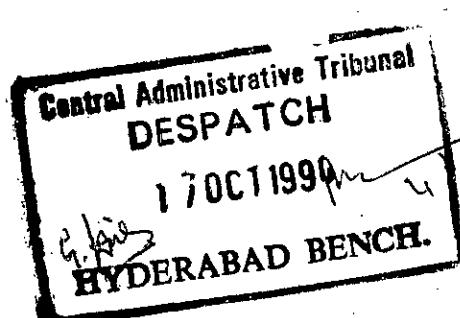
Dismissed as withdrawn.

Dismissed for Default.

Rejected ~~Ordered~~.

No order as to costs.

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