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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1285/94.

Date of disposal: 17th October, 1997.

Between:

M. Krishna Murthy.

.. Applicant.

And

1. General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. Divisional Railway Manager (Personnel), South Central Railway, Vijayawada.
3. Sr. Divisional Engineer (Co-ordination), South Central Railway, Vijayawada.
4. Assistant Engineer (Maintenance), South Central Railway, Bhimavaram, West Godavari Dt. .. Respondents.

Counsel for the applicant: Sri P. Krishna Reddy.

Counsel for the respondents: Sri D.F. Paul.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J)

JUDGMENT.

(per Hon'ble Sri B.S. Jai Parameshwar, Member (J))

Hear Sri P. Krishna Reddy, learned counsel for the
applicant and Sri D.F. Paul, learned counsel for the respondents.

The Applicant, CIOW (Chief Inspector of Works),
South Central Railway, retired from service on 30-9-1992.

He has been paid only the provisional pension. His

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pensionary benefits were not settled on retirement.

Hence he has filed this O.A., for the following reliefs.

"To direct the respondents to pay the applicant all the Retirement benefits including death-cum-retirement gratuity, commutation period allowance, encashment of leave salary, interest on the delayed payment of salary during the suspension period between 25-4-1991 and 21-1-1992 which was paid to the applicant on 23-12-1992 and also the entire amounts due to him on retirement i.e., Transfer grant, packing allowance, Travelling Allowance, Kit pass and retirement Pass (the value of the passes in terms of money) and also interest due on those amounts as well as the Travelling Allowance for 3 months i.e., for the months of July, August and September, 1992 before his retirement (bills were submitted in AEN's office) with interest which was not paid to him and further direct the respondents to return the Documents of Title of the house of applicant bearing No. 8-2-26, within Kakinada Municipality."

The respondents have filed their counter stating that a vigilance case was pending against the applicant

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while in service and that the said Disciplinary proceedings were in progress, that in terms of Para 316(i) of MRPR 1950 provisional pension was paid and in addition to that payment of PF assets and GIS to the tune of Rs.29,471 and Rs.3796/- respectively were made. It is further submitted that Enquiry Proceedings have been concluded and they ~~were~~ ^{have been} awaiting opinion from the UPSC.

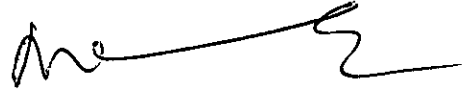
A similar plea was also taken in not finalising the Disciplinary Proceedings. When we gave certain time limit to finalise the proceedings by pursuing the matter with the UPSC, Today the learned counsel for the respondents submitted that the proposal ~~is~~ sent to the UPSC had been examined by them but returned back with certain queries. He further submits that the case was being ~~taken up~~ sent to the ~~UPSC~~ UPSC for final decision. From the above it appears that the Railway Board ~~has~~ not taken sufficient action to finalise this case quickly inspite of our showing indulgence. The Railway Board who is the employer of the applicant when he was in service is wholly responsible ^{not} for finalising the Disciplinary proceedings quickly. They cannot shift the responsibility either on the UPSC or anybody else for not finalising the Disciplinary Proceedings. Hence we direct the respondents, viz., the Railway Board,

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and the General Manager, South Central Railway to finalise the Disciplinary Proceedings within two months from the date of receipt of a copy of this order, and if the Disciplinary Proceedings are not finalised within the stipulated period of two months, the applicant is entitled for full gratuity amount.

With the above direction the O.A., is disposed of. No costs.


B.S. JAI PARAMESHWAR,
17.12.97 Member (J)


R. Rangarajan,
Member (A)

Date: 17--10--1997.

Dictated in open Court.

sss.


D.R.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M.(J)

Dated: 17-10-97

~~ORDER/JUDGMENT~~

~~M.A./R.A./C.A.NO.~~

in

O.A.NO. 1285/94

~~Admitted and Interim Directions
Issued.~~

~~Allowed~~

~~Disposed of with Directions~~

~~Dismissed~~

~~Dismissed as withdrawn~~

~~Dismissed for Default~~

~~Ordered/Rejected~~

~~No order as to costs.~~

YLKR

II Court

