

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. 1388/96

Date of decision: 8-9-97

Between:

G.A. Sukkaiah

.. Applicant

-versus-

1. The General Manager,
South Central Railway,
Secunderabad.

2. The FA & CAO,
Railnilayam,
South Central Railway,
Secunderabad.

3. The Divisional Railway Manager,
Secunderabad Division BG
South Central Railway,
Secunderabad.

.. Respondents

Counsel for the applicant : Mr. V. Krishna Rao

Counsel for the respondents : Mr. N. R. Devraj

Coram:

Hon'ble Shri H. Rajendra Prasad, Member (A)

O R D E R

() Per Hon'ble Shri H. Rajendra Prasad, M(A) ()

Heard Mr. V. Krishna Rao for the applicant
and Mr. N. R. Devraj for the respondents.

2. The applicant, in July, 1986, while working
as Engine Driver was held responsible for the collusion
of his goods train and another, and was removed from
service on 10-12-1986. On appeal the punishment was

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confirmed in March, 1987. Simultaneously, a criminal case was filed in the XIII Metropolitan Magistrate's Court. The applicant ^{was,} however, acquitted by the court.

2. The order of removal from service was challenged before this Tribunal in OA 341/87. The OA was allowed and the punishment was set aside on 1-3-90. The matter ^{was} thereafter carried in SLP to Hon. Supreme Court (14612 of 1990) but was dismissed in December '90.

3. The respondents initiated action to sanction provisional pension to the applicant in October, 1987, and he continues to draw such provisional pension with marginal variations. Subsequently, an amount of Rs. 2,771/- was also released in his favour by way of Provident Fund and GIS.

4. The main grievance of the applicant is that his DCRG, amounting to more than Rs. 46,000/-, plus other smaller amounts by way of encashment of leave, etc., are yet to be sanctioned and released.

5. No reply has been filed by the respondents so far although the OA was filed as long back as December '96. Mr. Devraj, however, made oral submissions. According to him, a case under the DAR was initiated ^{the applicant} afresh against ^{the applicant} after the original punishment was set aside by this Tribunal in OA 341/87. This was prior to his retirement on superannuation and the

[Signature]
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same was converted into appropriate proceedings under Rule 9 of CCS(Pension)Rules from the date of his retirement on 30-9-1987. No final decision has yet been taken and no definite undertaking can be given as to when the case can be finalised. In the meanwhile the applicant, having retired ten years ago, continues to complain of financial distress owing to what he calls the arbitrary withholding of sizeable amounts by way of DCRG etc.

6. As noted earlier, it is ten years since the official has retired. No serious efforts seems to have been made to have the case finalised early. There is no reason why the applicant should continue to suffer the uncertainty and continuing financial discomfort while there does not appear to be any overt proof of expedition or despatch on the part of the respondents to give finality to the pending proceedings.

7. Under the circumstances, it is directed that a final decision be taken and communicated to the applicant within 30 days from today. Should it not be possible, for some reason, to complete the proceedings within the time indicated the official shall become automatically entitled to full payment of DCRG and other withheld terminal benefits, if any, together with an interest @ 18% thereon from the

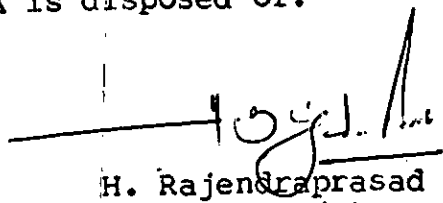
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...4/-

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date each item became due for payment until the actual date of payment.

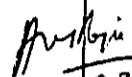
8. Thus the OA is disposed of.


H. Rajendraprasad
Member (A)

MD

Date: 8th September, 1997

Dictated in open court


9/9/97
Dn/1

Copy to:

1. The General Manager, South Central Railway Secunderabad.
2. The FA & CAO, Railnilayam, South Central Railway, Sec-bad.
3. The Divisional Railway Mailway Manager, ~~Secunderabad~~ Secunderabad-Division BG South Central Railway, Secunderabad.
3. ~~V.Krishna~~. One Copy to Mr. V.Krishna Rao .C.AT.Advocate.Hyd.
4. One copy to Mr.N.R. Devraj Sr. C.G.S.C. C.A.t.Hyderabad
5. One copy to H.h.B.p.C.A.T. Hyderabad.
6. One copy to D.R.(A). C.A.T. Hyderabad.
7. One copy to Duplicate copy.

C.C. to day
9-9-97

I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE.
VICE-CHAIRMAN

And

THE HON'BLE MR. H. RAJENDRA PRASAD :M(A)

DATED:-

8-9-97

ORDER/JUDGMENT.

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

in

O.A.No.

1388/96

T.A.No.

(W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed,

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No. order as to costs.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दस्तावेज/DESPATCH

9 SEP 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH