

(34)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.9/96

Date of Order: 5.1.96

BETWEEN:

Mohd. Muneeruddin

.. Applicant.

A N D

- 1. The General Manager,  
Disciplinary Authority,  
India Government Mint,  
Hyderabad.
- 2. K.K.Parakalan,  
General Manager, Disciplinary Authority,  
India Government Mint,  
Hyderabad.
- 3. Inquiry Officer/Asst. Director,  
India Government Mint,  
Khairatabad, Hyderabad.
- 5. Joint Secretary (C&C),  
Government of India,  
Ministry of Finance,  
Department of Economic Affairs,  
New Delhi.
- 6. Union of India,  
Represented by Secretary,  
Ministry of Personnel, Pension & Public  
Grievances, Government of India,  
New Delhi. .. Respondents.

- - -

Counsel for the Applicant

.. Mr.I.Dakshina Murthy

Counsel for the Respondents

.. Mr.N.R.Devraj, Sr.CGSC

- - -

CORAM:

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

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O.A.No.9/96

Date of Order: 5.1.96

As per Hon'ble Shri R.Rangarajan, Member(Admn.)

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Heard Mr.I.Dakshina Murthy, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant while working as Grade-I Machinist under R2 retired in September 1992. He was issued with a charge sheet earlier to his retirement on 18.4.92 vide Annexure A-1. It is stated for the applicant that the enquiry had been completed on 28.8.93 and a copy of the enquiry report was sent to R-2 on 15.11.93, but no final decision has been taken yet. In view of the pending finalisation of the disciplinary proceedings he was given only the provisional pension as stated by the applicant's counsel.

3 This OA is filed praying for a direction to R-1 to pay the retirement benefits to the applicant immediately based on the pay and allowances as on 30.9.92 on which date the applicant retired from service with interest and costs.

4. When the charge sheet has been issued earlier to his retirement <sup>and</sup> the disciplinary proceeding is pending the final settlement <sup>due</sup> can only be <sup>disbursed</sup> done after the disciplinary proceedings initiated is completed. But it is seen that the charge sheet was issued on 18.4.92 about 4 years earlier and the applicant had already retired on 30.9.92 about 3½ years earlier. Hence it is necessary that the disciplinary proceedings initiated should not be prolonged but should be completed within a reasonable period, so that the case of the retired employee is finalised without any further delay.

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5. ( ) Now that it is stated that the enquiry proceedings are already <sup>over</sup> what is left is to award the penalty by the disciplinary authority on the basis of the enquiry report or exonerate him if the case is not proved. In view of this position a direction has to be given to R-1 to finalise the disciplinary proceedings within 2 months from the date of receipt of a copy of this order if the enquiry is already over or within 3 months from the date of receipt of a copy of this order if the enquiry proceedings are not yet over. If the enquiry proceedings are not over the applicant along with his <sup>assistant</sup> ~~assistant~~ government servant, if any is nominated, should cooperate in completing the enquiry quickly attending punctually on the dates on which he is called for enquiry without fail. The finalisation of the pension <sup>and other pensionary benefits</sup> on the basis of the final order to be passed by the disciplinary authority should be done within 4 months from the date of receipt of this order.

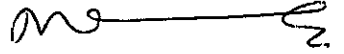
6. In the result, the following direction is given:-  
The disciplinary proceedings should be completed within two months from the date of receipt of a copy of the order if the enquiry is already completed, or within 3 months if the enquiry is still to be completed. The applicant should cooperate to complete the enquiry proceedings in time. A decision in regard to payment of pension and other pensionary benefits should be taken by the competent authority within 4 months from the date of receipt of a copy of this order on the basis of the final decision of the disciplinary proceedings. If the applicant is going to be aggrieved by the final order to be passed in this case by the competent authority in regard to his pensionary benefits he is free to approach this Tribunal by filing an O.A. under Section 19 of the A.T. Act.



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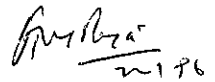
7. O.A. is ordered/accordingly. No costs.



( R. RANGARAJAN )  
Member (Admn.)

Dated: 5th January, 1996

| Dictated in Open Court |

  
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Copy to:

1. The General Manager, Bisciplinary Authority, India Government Mint, Hyderabad.
2. K.K. Parakalan, General Manager, Disciplinary Authority, India Government Mint, Hyderabad.
3. Inquiry Officer/Asst. Director, India Government Mint, Khairatabad, Hyderabad.
4. Umesh Dongre, Inquiry Officer/Asst. Director, India Government Mint, Khairatabad, Hyderabad.
5. Joint Secretary (C&C), Government of India, Ministry of Finance, Dept. of Economic Affairs, New Delhi.
6. Union of India, Rep. by Secretary, Ministry of Personnel, Pension & Public Grievances, Govt. of India, New Delhi.
7. One copy to Mr. I. Dakshina Murthy, advocate, CAT, Hyd.
8. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyd.
9. One copy to Library, CAT, Hyd.
10. One spare copy.

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TYPED BY \_\_\_\_\_ CHECKED BY \_\_\_\_\_  
COMPARED BY \_\_\_\_\_ APPROVED BY \_\_\_\_\_

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

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

Dated: 5-1-1996

~~ORDER/JUDGMENT~~

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

in

O.A.No. 9/96.

T.A.No. (w.p.No. )

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Spare Copy

केन्द्रीय प्रशासनिक अधिकरण  
Cent. Administrative Tribunal  
DESPATCH  
31 JAN 1996 NSO  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH