

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1757/97

Date of Order : 8.1.99

BETWEEN :

C.Vittal Rao

.. Applicant.

AND

1. Union of India, rep. by its General Manager, S.C.Rly., Rail Nilayam, Secunderabad.
2. Sr.Divisional Engineer (Coordination), S.C.Railway, Guntakal.
3. The Divisional Engineer (Spl.Works), S.C.Railway, Guntakal.
4. The Asst. Works Accounts Officer (CRS), S.C.Railway, Tirupathi.
5. The Sr.Divisional Engineer (Co-ordination), S.C.Railway, Secunderabad Division, Sanchalan Bhavan, Secunderabad.
6. The Sr.Divl.Personnel Officer (BG), S.C.Railway, Secunderabad Division, Sanchalan Bhavan, Secunderabad.
7. The Sr.Enquiry Officer (Vigilance), S.C.Railway, Rail Nilayam (HQ), Secunderabad. .. Respondents.

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Counsel for the Applicant

.. Mr.R.Subrahmanyam

Counsel for the Respondents

.. Mr.K.Siva Reddy

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CORAM :

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

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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

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None on either side. We are deciding this application on the basis of the material available on record in accordance with Rule 15(1) of the C.A.T. (Procedure) Rules 1987.

2. The applicant herein while working as PWI Kondapalli station was served with a memorandum of charge bearing No. CW/452/W/IV/DAR/SPE/1/94, dated 4/7.6.94. The applicant submitted his representation dated 10.11.95 denying the charges. The applicant submits that by order dated 2.11.95 one senior enquiry officer, Secunderabad was appointed as Enquiry Officer. The applicant participated in the enquiry. The applicant submits that the enquiry was conducted between January and November 1996. He submits that the enquiry officer submitted his enquiry report on 31.12.96 to the disciplinary authority. The applicant further states that the disciplinary authority furnished him a copy of the report of the enquiry officer in March 1997 and he had submitted a detailed representation dated 2.4.97 against the findings of the enquiry officer.

3. The grievance of the applicant is that the disciplinary proceedings have not been concluded (the charge memo dated 4/7.6.94).

The applicant retired from service on 31.12.97.

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4. The applicant submits that the disciplinary authority by his letter dated 10.12.97 advised the senior DEN, Secunderabad division to withhold the pensionary benefits payable to the applicant.

5. This OA is filed praying to set aside the proceedings of the respondents made in memorandum of charge dated 4/7.6.94 issued by R-5 by holding the same as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and also to set aside the letter dated 10.12.97 (A-8).

6. A reply has been filed by the respondents. It is an admitted fact that the applicant submitted his representation by his letter dated 2.4.97. But thereafter they kept the case pending as they are scrutinising the amount of shortage.

7. Having issued a charge sheet it is very essential for the department to conclude the charge proceedings. When the applicant had submitted his reply to the enquiry report by letter dated 2.4.97 about 8 months earlier to his retirement, we do not see any reason to keep the case pending thereby delaying full payment of pension and pensionary benefits except paying only the provisional pension.

8. We feel the action of the respondents in delaying the case is unwarranted. However, as the enquiry had already been completed and also the applicant had submitted his representation

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finally
a decision in regard to the charge proceedings should be
reached
concluded, within a period of 2 months from the date of
receipt of a copy of this order. If no decision is taken
by them, the applicant is entitled to receive payment of
full gratuity and payment of excashment of leave salary
available to his credit.

9. The OA is ordered accordingly. No costs.

B.S. Jai Parameshwar
(B.S. JAI PARAMESHWAR)
Member (Jud1)
8.1.99

me
(R.RANGARAJAN)
Member (Admn.)

Dated : 8th January, 1999

(Dictated in Open Court)

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1ST AND 2ND COURT

20/1/99

COPY TO:-

1. HON. J
2. HHRP M(A)
3. HSSP M(J)
4. D.R.(A)
5. SPARE

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR :
VICE CHAIRMAN

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

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

THE HON'BLE MR. B. S. JAI PARAMESWAR :
MEMBER (J)

DATED: 8-1-99

ORDER/JUDGMENT

M.A./R.A./C.P.NO.

In

O.A. NO. 1757/97

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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(11 copies)

