

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 587/93

Date of Decision: 21.3.94

S.D. KUREEL

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Applicant present in person.

Mr. M. Rafiq puts appearance on behalf of

Mr. S.S. Hasan : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

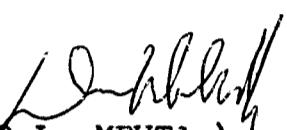
Heard the learned counsel for the parties.

2. The admitted fact is that the applicant retired in 1987. Departmental proceedings were pending against him. Vide Annexure A-4, dated 17.1.91, he was informed that the Railway Board has taken the decision that the DAR case against him be dropped. The applicant was also informed that arrangements are being made to release the settlement dues withheld on account of the above case. The department sought clarification about the interest and the railway authorities informed the applicant that by way of clarification it was not an honourable and total exoneration but the proceedings were dropped taking into consideration that he has retired. To keep the proceedings pending for a period of 4 years and thereafter to drop the proceedings and to inform the applicant that he is not entitled for interest is penal in character. Either there is an acquittal, exoneration or discharge. Once a decision is taken for dropping the proceedings, it amounts to discharging the applicant from the allegations made against him.

3. In the result, the O.A. is accepted and the applicant is entitled for the interest at the rate of 12% on the amount late paid to him. The applicant shall be entitled for the interest from three months after the date of his retirement.

The amount should be paid within a reasonable period but not later than three months from the receipt of the copy of this order.

4. The O.A. is disposed of accordingly, with no order as to costs.


(D.L. MEHTA)
Vice-Chairman