

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

1.6.2001

DATE OF ORDER : 5.2001

O.A.NO. 444/1995

Dinesh Chandra Sharma aged about 59 years, S/o Late Pandit R.S.Sharma, R/o Plot No. 63, Gopal Vihar Colony, Police Line, Kota. Last place and designation of posting as Office Supdt. W-A-2, of Divisional Railway Manager's Office, Western Railway, Kota, and retired from the aforesaid post on attaining the age of superannuation with effect from 31.7.1994.

....Applicant.

VERSUS

1. The Union of India through the General Manager, Western Railway, Church Gate, Bombay.
2. The Divisional Railway Manager, Western Railway, Kota.

....Respondents.

Mr. Vinod Goyal proxy for Mr. Virendra Lodha, present for the applicant Mr. Anupam Agarwal proxy for Mr. Manish Bhandari, present for the respondents.

CORAM :

HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN
HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

PER MR.JUSTICE B.S.RAIKOTE :

In this application, the applicant has prayed for quashing of the Chargesheet dated 6.7.1994 (Annex.A/1), with a further direction to respondents to restrain the / from proceeding with the inquiry. The applicant also has prayed for a direction to the respondents to release the entire amount of gratuity, commutation and / or retiral benefits ~~to the applicant~~ including the salary during the suspension period from 15.7.1994 to 27.4.1994 with 36% interest per annum.

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2. It is not disputed that the applicant retired on 31.7.1994 whereas the Chargesheet was issued to him before his retirement on 6.7.1994. It is submitted by the respondents that the inquiry is almost completed and the papers have been sent to the appropriate authority for approval. In this back-ground, we have to see whether the Chargesheet, Annex.A/1 dated 6.7.1994, is required to be quashed.

3. The learned counsel for the applicant has not made-out any case for quashing the Chargesheet. The Hon'ble Supreme Court in 1994 (27) ATC (SC) 2000, has held that this Tribunal should not quash the chargesheet unless it is proved that the authority who issued the chargesheet, lacked the jurisdiction in issuing the same. No case of this type is made-out by the applicant, therefore, the prayer for quashing the chargesheet is hereby rejected.

4. So far as the retiral benefits are concerned, it is not disputed on both sides that provisional pension has been fixed on the date of applicant's retirement in terms of Rule 10 of the Railway Servants Pension Manual and rest of the retiral benefits are required to be determined only lafter conclusion of the trial.

5. As we have noted above that the inquiry is on the verge of the conclusion and in these circumstances, we think it would be in the interest of justice, to direct the respondents to complete the inquiry and communicate the order regarding the result of the inquiry to the applicant, within a period of three months and if the applicant is aggrieved by the result and out-come of the said order in the departmental inquiry, it is open to him to approach this Tribunal afresh, for appropriate orders, if he is so advised. Accordingly, we pass the order as under :-



.3.

The Application is dismissed, however, the respondents are directed to complete the Inquiry initiated against the applicant and communicate the order to the applicant within a period of three months from today. No costs.

Gopal Singh

(GOPAL SINGH)
Adm.Member

BY

(JUSTICE E.S.RAIKOTE)
Vice Chairman

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