

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

**ORIGINAL APPLICATION NO. 291/00742/2015**

**DATE OF ORDER: 05.10.2016**

**CORAM**

**HON'BLE MR. SANJEEV KUMAR KAUSHIK, JUDICIAL MEMBER**  
**HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER**

K.R. Meena S/o Shri Ramdhan Meena, aged about 61 years, R/o 63, Green Park, Agra Road, Jamdoli, Jaipur (Raj.), retired on 31.01.2015 holding the post of Deputy C.C.M.

....Applicant

None present for the applicant.

**VERSUS**

1. Union of India through General Manager, North Western Railway, Head Quarter Office, Jagatpura, Jaipur.
2. The Chief Personnel Officer, North Western Railway, Head Quarter Office, Jagatpura, Jaipur.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

**ORDER**

**(Per MR. SANJEEV KUMAR KAUSHIK, JUDICIAL MEMBER)**

None appears for the applicant despite pass-over. Proceeding under rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987, we have heard learned counsel for the respondents and examined the material on the file.

2. Heard. By means of present O.A., the applicant seeks issuance of a direction to the respondents to release the pensionary benefits like DCRG and commutation of pension with

other attached benefits to the applicant with interest @ 12% from the date of retirement till its actual payment.

3. The respondents have contested the claim of the applicant by filing a detailed written statement wherein they have submitted that a departmental proceeding for major penalty is pending against the applicant, therefore, the relief as claimed in the O.A. cannot be granted to the applicant. Counsel for respondents also informed that pending departmental inquiry, the applicant has already been allowed the provisional pension, therefore, he submitted that the O.A. be dismissed being devoid of merit.

4. Having gone through the pleadings as well as arguments advanced by the counsel for respondents, we are in agreement with the submissions made by him that in terms of Rule 5 & 10 of the Railway Services (Pension) Rules, 1993, no railway servant against whom any departmental or any judicial proceedings are pending, can be allowed DCRG and commutation of pension but he can get the provisional pension pending departmental proceedings or judicial proceedings. Therefore, we find no reason to entertain this O.A. and allow the prayer made in the O.A.

5. The Original Application is, therefore, dismissed being devoid of any merit. No order as to costs.



(MS. MEENAKSHI HOOJA)  
ADMINISTRATIVE MEMBER



(SANJEEV KUMAR KAUSHIK)  
JUDICIAL MEMBER