

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 04.05.1998

OA 563/96

Prakash Narain, last employed on the post of Permanent Way Inspector (C), Jodhpur, under Dy.Chief Engineer (C.II), Jodhpur, Northern Railway.

... Applicant

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Chief Administrative Officer (C), Northern Railway, Fashmiri Gate, Delhi.
3. Dy.Chief Engineer (C-II), Northern Railway, Jodhpur.
4. Divisional Accounts Officer, Northern Railway, Allahabad Division, Allahabad.

... Respondents

CORAM:

HON'BLE MR.GOPAL PRISHNA, VICE CHAIRMAN

For the Applicant

... Mr.Shiv Kumar

For the Respondents

... Mr.B.S.Mathur

O R D E R

PER HON'BLE MR.GOPAL PRISHNA, VICE CHAIRMAN

Applicant, Prakash Narain, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, claiming a direction to the respondents to release his pension and other retiral dues.

2. Heard the learned counsel for the parties. Counsel for the parties have agreed to this matter being disposed of at the stage of admission.

3. Applicant retired from service as Permanent Way Inspector (Construction) on 29.2.96. He made a representation for releasing his dues vide Annexure A-1 dated 29.2.96. It is stated by the applicant that a departmental enquiry was pending against him. The applicant thereafter made a representation to the concerned authority on 19.9.96 for releasing his pensionary benefits. The contention of the applicant is that he has retired on superannuation and now after his retirement he cannot be removed or dismissed from service. On the contrary, the respondents have stated that till the applicant is not exonerated of the charges levelled against him, the amount of gratuity cannot be paid to him. It is only after the conclusion of the departmental enquiry and issuance of final order thereon that necessary steps in the matter shall be taken. The learned counsel for the respondents has stated that the

departmental enquiry held against the applicant for major penalty has been

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concluded. The learned counsel for the applicant has drawn attention to the applicant's representation dated 19.9.96, at Annexure A-2, and he wants the same to be decided by the respondents. The learned counsel for the respondents has no objection to it.

4. In the result, this application is disposed of, at the stage of admission, with a direction to respondent No.2 to decide the applicant's representation dated 19.9.96, at Annexure A-2, meeting all the points raised therein through a detailed speaking order on merits within a period of two months from the date of receipt of a copy of this order. If the applicant is aggrieved by any decision taken on his representation, he may file a fresh OA. No order as to costs.

C. Kishore,
(GOPAL KRISHNA)
VICE CHAIRMAN

VK