

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH : JAIPUR

Date of Decision : 16.12.2003

Original Application No.300/2001.

Hakim Singh, S/o Sh. Nathi Singh, aged about 42 years, R/o Quarter No.326, Shyam Gadh Depo TRD Shyam Gadh at present employed on the post of Chokidar in Shyam Gadh Western Railway, Kota Division.

... Applicant.

v e r s u s

1. Union of India through General Manager, Western Railway, Church gate, Mumbai.
2. Divisional Railway Manager (Est.), Western Railway, Kota Division, Kota.
3. Chief Divisional Electrical Engineer (TRD) Western Railway Kota Division, Kota.

... Respondents.

Shri Shiv Kumar counsel for the applicant.  
Shri S. S. Hassan counsel for the respondents.

CORAM

Hon'ble Mr. M. L. Chauhan, Member (J).  
Hon'ble Mr. A. K. Bhandari, Member (A).

: O R D E R :  
(per Hon'ble Mr. M. L. Chauhan)

The applicant has filed this OA thereby praying for the following reliefs :-

"(i) That the impugned charge sheet Dt. 15.10.1996 Annexure A-1 (and order dt. 31.7.2000/1.8.2000 Annexure A-2 order of compulsory retirement may please be declared illegal, arbitrary and the same may be quashed with all consequential benefits.

(ii) That any relief/direction/order may be passed in favour of applicant which Hon'ble Court deem fit, just and proper under facts and circumstances of the case.

(iii) That cost of O.A. may be awarded in favour of applicant."

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2. The facts of the case are that the applicant while working as Chowkidar was issued a charge sheet on 15.10.1996. The respondents after holding the inquiry imposed the punishment of compulsory retirement from service. The applicant has filed this OA thereby challenging the aforesaid penalty on various grounds.

3. The Notice of the application was given to the respondents. The respondents have filed the detailed reply whereby it has been stated that the charge against the applicant is for criminal misappropriation and criminal breach of trust of Catenary Wire worth Rs.2,76,283.64 while working as Chowkidar w.e.f. 13.7.96 to 30.7.96 and the said charge has been fully proved. It is further stated that full opportunity was given to the applicant during the course of the inquiry. It is further averred that the applicant has also admitted his involvement in the matter as can be seen from letter dt. 13.3.97 addressed to the Additional Chief Judicial Magistrate (Railway), Kota Camp, Gangapur City, wherein the applicant admitted to have returned the amount to Nama Sindhi from whom he received the money for affording cooperation in the Commission of Crime (Annexure R-6).

4. We have heard the learned counsel for the parties.

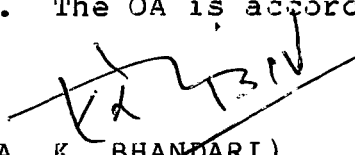
5. Learned counsel for the applicant has submitted that he is not challenging the order of punishment awarded to the applicant and he will be satisfied if a direction is given to the respondents, at this stage, to give pensionary benefits pursuant to the passing of the order of the compulsory retirement.

6. In view of what as has been contended by the learned counsel for the applicant, this OA does not survives and is accordingly disposed of. So far as the contention of the learned counsel for the applicant that he is entitled to pensionary benefits

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which has not been paid to him, has considerable force. It was incumbent upon the respondents to pay the pensionary benefits in terms of Rule which was admissible to the applicant. Accordingly, the respondents are directed to settle the pensionary claim of the applicant in view of the order dated 01.08.2000 whereby the applicant has been compulsorily retired from service and pay all admissible dues/pensionary benefits as per rules within a period of 3 months from the date of receipt of a copy of this order.

7. The OA is accordingly disposed of.

  
(A. K. BHANDARI)  
MEMBER (A)

  
(M. L. CHAUHAN)  
MEMBER (J)