

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 822 of 2001

Jabalpur, this the 28<sup>th</sup> day of March 2003.

Hon'ble Mr. Shanker Raju - Member (Judicial)  
Hon'ble Mr. R.K. Upadhyaya - Member (Admnv.)

Shri Anantram Tiwari S/o Late  
Shri Suraj Prasad Tiwari aged  
about 60 years, Retd. From  
Service H.S.I Turner G.C.F.  
Jabalpur, R/o 1712, Maheshpur,  
LIC Colony, Madan Mahal, Jabalpur.

- APPLICANT

(By Advocate - Mr.Rakesh Patel)

VERSUS

1. The Union of India through its  
Secretary, Defence production  
Dept. New-Delhi.
2. The Chairman Ordnance Factory  
Board 10-A Sahid Khusiram Bose  
Marg, Kolkata, 700001.
3. The General Manager, G.C.F.  
Jabalpur.
4. Shri M. Shivkumar Works Manager,  
Administration, G.C.F. Jabalpur. -RESPONDENTS

(By Advocate- Mr.P.Shankaran)

ORDER (ORAL)

By R.K.Upadhyaya, Member (Admnv.):

The applicant, who retired as Turner H.S. Gr.I from M.M. Section on 30.4.2001 was issued a charge sheet on 18/23.10.2000 (Annexure A-1). On denial of charges, a departmental enquiry was instituted. The applicant raised objections to the enquiry including request for change of Enquiry Officer on the ground of bias. Ultimately, respondent No.2 rejected his application for change of Enquiry Officer by order dated 08.04.2001. It is claimed by the applicant that he has not been paid

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retiral dues including gratuity and commutation of pension, because of pendency of the departmental enquiry.

2. The respondents in their reply have stated that the delay in conclusion of departmental enquiry is mostly attributable to the applicant himself. The enquiry was held up, because of non-cooperation of the applicant. According to the respondents, after the retirement of the applicant on 30.4.2001, the orders have to be passed as per the provisions under Rule 9 of CCS(Pension) Rules, 1972. Since the proceedings were initiated before retirement, there is no basis of the allegation of the applicant that same should be quashed. It has been also stated by the respondents that the request for quashing of the proceedings is not sustainable in law. This Tribunal cannot interfere at this stage of the proceedings, which are not yet concluded.

3. We have heard the learned counsel of both the parties and have perused the material available on record.

4. In view of the fact that the proceedings were initiated before retirement. <sup>now</sup> and the applicant retired from service, the same can be continued and concluded in terms of Rule 9 of CCS(Pension) Rules, 1972. The applicant has not fully co-operated with the enquiry. However, the learned counsel of the applicant states that he is willing to extend all co-operations and speedy conclusion of the proceedings will entitle him to get the withheld retiral benefits. In view of the fact that sufficient time has already elapsed and also in view of the fact that enquiry has almost been completed, the respondents are given liberty to complete the pending disciplinary proceedings

Ch. N. Jayaram

within three months upto the stage of submission of the enquiry report by the Enquiry Officer to the Disciplinary Authority, provided the applicant extends full co-operation. The respondents are directed accordingly to complete the pending enquiries so that the retiral dues, if any, could ~~be~~ <sup>u</sup> become payable to the applicant as early as possible.

5. This application is disposed of in terms of our directions in the preceding paragraph without any order as to costs.

Chintan

(R.K.Upadhyaya)  
Member (Admnv.)

S.Raju

(Shanker Raju)  
Member (Judicial)

MA

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पृष्ठांकन सं. ओ/न्या..... जबलपुर, दि.....

प्राप्ति दिन दाता दिन:

- (1) राजा लक्ष्मीनाथ दाता दिन: १५.३.०३ जबलपुर
- (2) राजा लक्ष्मीनाथ दाता दिन: १५.३.०३ काउंसल
- (3) राजा लक्ष्मीनाथ दाता दिन: १५.३.०३ काउंसल
- (4) राजा लक्ष्मीनाथ दाता दिन: १५.३.०३ सूचगा एवं शाक्तराजा वाराणसी १५.३.०३

R. Patel, 15.3.03  
b. Shankarani, 15.3.03

S. Raju  
15.3.03

Issued  
on 15.3.03