

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**CP-199/2016
IN
OA-896/2007**

New Delhi this the 08th day of September, 2016.

**Hon'ble Sh. Shekhar Agarwal, Member (A)
Hon'ble Sh. Raj Vir Sharma, Member (J)**

1. Mr. Raman Kapoor (Since deceased),
Through Legal Heir
Shiv Kappor, Aged 28, Years,
S/o Late Sh. Raman Kapoor,
R/o J-26, 1st Floor, DDA Flat,
Pratap Nagar, Delhi-07
(By Advocate : Mr. Vaibhav Sharma) . .. Applicant
Versus

1. R.K. Verma
Secretary, Ministry of Railway
Rail Bhawan, New Delhi.

2. H.V. Sharma,
Chief Commercial Manager,
Head Quarter Office,
North Western Railway
Jaipur, Rajasthan

3. Arjun Tabiyar,
Additional Divisional Railway Manager,
Bikaner Division,
North Western Railway,
DRM Office, Bikaner Railway,

4. S.S. Gupta
Divisional Commercial Manager,
North Western Railway,
Bikaner Division, Bikaner
Rajasthan. ... Respondents
(By Advocate : Mr. Kripa Shankar Prasad)

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

This CP has been filed for alleged non- implementation of the order of this Tribunal dated 28.1.2014. The operative part of this order reads as follows :-

“31. In the above facts and circumstances of the case, we allow this OA and quash and set aside the Enquiry officers report dated nil particularly to the extent that the first part of the Article of Charge was proved. We also quash and set aside the disagreement note of the Disciplinary Authority dated 20.06.2004, the subsequent order of the Disciplinary Authority imposing the penalty upon the Applicant dated 19.07.2004 and the Appellate, Review Authorities orders dated 20.12.2004 and 25.07.2006 respectively. Normally we should have remitted the case to the Disciplinary Authority to issue a tentative disagreement note and reconsider its decision after considering the representation of the Applicant. However, considering the fact that the findings of the enquiry into the allegation of subletting of the railway quarter against the Applicant which was the basis for initiating disciplinary proceedings itself is unsustainable and the Applicant is out of service for the last nearly 10 years, we are not inclined to remit the case for any fresh adjudication. We, therefore, direct the Respondents to reinstate the applicant forthwith but in any case, within one month from the date of receipt of a copy of this order, with all consequential benefits except full back wages. However, considering the particular facts and circumstances of the case, the Applicant shall be given 50% of the back wages from the date of his compulsory retirement from service w.e.f. 19.07.2004 till one month from the date of receipt of a copy of this order or the date till he is reinstated in service, whichever is earlier. The Respondents shall also pass appropriate orders complying with the aforesaid directions within the aforesaid period of one month. The Applicant is also at liberty to make suitable representation to the respondents for re-determining the license fee/damage rent for the Railway Quarter No. T-48B, DCM Railway Colony, Delhi-110006 allotted to him while he was in service.

32. Though in our considered view, this is a case in which the respondents deserves to be imposed with exemplary cost, we desist from doing so in view of the aforesaid direction to pay 50% of back wages to the Applicant.”

2. In compliance thereof, the respondents have filed an affidavit on 31.08.2016 , para 4 & 5 of which reads as follows :-

“4. It is respectfully submitted that in compliance to the aforesaid order passed by the Hon'ble Tribunal the respondent issued a letter dated 06.05.2016 with fixation of pay of the deceased employee Raman Kapoor, CGC/Kanasar Bikaner division. Consequent upon above letter payment of 50% back wages for the period from 19.07.2004 to 28.01.2014 and 100% wages from 29.01.2014 to 19.04.2014 (date of death) amounting to Rs. 14,33,316/- has been paid to Smt Reena Kapoor W/o Raman Kapoor through Cheque no. 295329 dated 09.06.2016 through RTGS in her bank account no. 51010624484.

A copy of the letter dated 06.07.2016 is annexed herewith and marked as Annexure CP-I.

5. It is further submitted that the family pension in favour of Smt Reema Kapoor due from 20.04.2014 at the rate of Rs. 9645/- plus dearness relief as admissible from time to time thereon vide PPO No. 20167331400365 dated 02.07.2016."

3. On perusal of the same we are satisfied that our order has been substantially complied with. Accordingly, this CP is closed. Notices issued to the alleged contemnors are discharged.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/sarita/