

**Central Administrative Tribunal
Principal Bench**

OA No.3380/2017

New Delhi, this the 19th day of July, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Jyoti Matia,
Director
Aged about 59 years,
w/o Sh. S. K. Matia
Permanent R/o 162, Swamy Colony,
Katol Road, Aakar Nagar,
Nagpur-13,
Presently at K-161, Gujjar Dairy,
Gautam Nagar, New Delhi 110 049. Applicant.

(By Advocate, Shri M. K. Bhardwaj)

Versus

1. Union of India
Through its Secretary
Ministry of Agriculture & Farmers Welfare,
Krishi Bhawan,
New Delhi.
2. The Addl. Secretary
Ministry of Agriculture & Farmers Welfare,
Krishi Bhawan,
New Delhi.
3. National Cooperative Development Corporation
Through its Managing Director
4, Siri Institutional Area, Hauz Khas,
New Delhi 110 016.
4. Sh. D. N. Thakur
Deputy Managing Director
National Cooperative Development Corporation
4, Siri Institutional Area, Hauz Khas,
New Delhi 110 016. Respondents.

(By Advocate, Shri L. C. Singhvi)

: O R D E R (ORAL) :**Justice L. Narasimha Reddy, Chairman:**

The applicant was employed in National Cooperative Development Corporation (NCDC) in the year 1980 as an Assistant in a vacancy that was reserved in favour of Scheduled Tribe. Thereafter, she earned number of promotions, and by the time of retirement, she became Director. Shortly, before her retirement, disciplinary proceedings were initiated against her alleging that the caste certificate submitted by her at the time of entry into service was not genuine.

2. Through separate order dated 22.12.2016, she was placed under suspension. The applicant retired from service on 24.08.2017. On account of pendency of the disciplinary proceedings, the respondents have not released the retirement benefits to the applicant. This OA is filed with a prayer to quash the order dated 31.08.2017, wherein it was observed that the provident fund alongwith interest be released to her but settlement of other retirement benefits such as Gratuity, Employer's contribution towards PF, leave encashment and NCDC superannuation benefit shall be subject to outcome of the departmental proceedings/decision in the case which was pending before the Tribunal.

3. The applicant contends that on her attaining the age of superannuation, the suspension has come to an end and the very initiation of proceedings is not tenable under the service regulations of the organization.

4. The respondents filed a counter affidavit opposing the OA. It is stated that once the disciplinary proceedings have been initiated when the applicant was in service, the employer has every right to continue the proceedings and to take them to a logical end.

5. We heard Shri M. K. Bhardwaj, learned counsel for the applicant and Shri L. C. Singhvi, learned counsel for the respondents.

6. The very initiation of disciplinary proceedings against the applicant was challenged in OA No.1216/2017. Through a separate order, we dismissed the OA today. With that, the way for continuing the disciplinary proceedings becomes clear. The order of suspension passed against the applicant came to an end with her retirement. The respondents, no doubt have released the provident fund. However, along-with other retirement benefits, the leave encashment was also withheld. Assuming that the proceedings are going to end against the applicant, she cannot be denied the benefit of leave

encashment. Whatever be the justification for withholding other benefits, such encashment is the savings which an employee makes over decades of service.

7. We, therefore, direct that the respondents shall release a sum of Rs.5 lacs tentatively towards leave encashment to the applicant. The respondents shall conclude the disciplinary proceedings within a period of six months from today. It is hoped that the applicant will cooperate in the proceedings and in case her cooperation is not forthcoming, the respondents may proceed ex-parte in accordance with law.

8. With the above directions, the OA stands disposed of. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/