

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

OA 1519/2015

New Delhi, this the 20th day of August, 2018

Hon'ble Sh. K.N. Shrivastava, Member (A)
Hon'ble Mr. S.N. Terdal, Member(J)

Brahm Singh, Aged 67 years,
Retd. Lab Assistant,
S/o Shri Chhote Singh,
Village Salempur Gujjar,
Greater Noida, UP.

...Applicant

(By Advocate : Mr. Prahlad Singh)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
Delhi Secretariat, I.P. Estate,
New Delhi-110002.
2. The Director of Education,
Directorate of Education,
Old Secretariat,
Delhi-110054.

...Respondents

(By Advocate : Mr. Prashant Bhardwaj for Ms. Pratima K. Gupta)

ORDER (ORAL)

Mr. K.N. Shrivastava, Member (A) :-

The applicant retired from the post of Lab Assistant under Directorate of Education, GNCTD (respondent No.2) on 30.06.2008. While he was in service, impugned Annexure-A/1 Memorandum of Charges dated 03.04.2006, came to be issued for allegedly claiming LTC reimbursement by furnishing fake tickets and certificates. The

grievance of the applicant is that the disciplinary proceedings pursuant to the Annexure-A/1 Memorandum of Charges have not yet been completed and no final orders have been passed by the disciplinary authority so far. As a consequence thereto, the applicant has not been granted his retiral dues.

2. Accordingly, he has approached the Tribunal in the instant OA praying for the following reliefs :-

- “(i) For early disposal of the pending case emanating from charge-sheet dated 3.4.2006 and
- (ii) to release the pending retiral dues, 1st ACP and interest, and
- (iii) to revise the pension admissible to him which he has been deprived because of charge-sheet dated 3.4.2006 and
- (iv) Any other or further directions in the interest of justice.”

3. Pursuant to the notice issued to the respondents, they entered appearance and filed their reply, in which they stated that the inquiry has since been completed and the applicant has been held guilty of the charges. A copy of the inquiry report has also been annexed as Annexure-R/1 with the reply.

4. It is stated that the applicant had claimed the LTC reimbursement in the year 1998. Admittedly the respondents have not passed any final order in the disciplinary proceedings so far.

Almost 12 years are over. This act of delay in concluding the disciplinary proceedings has obviously prejudiced the interest of the applicant.

5. We, therefore, dispose of this OA with a direction to the respondents to pass a final order in the disciplinary proceedings within a period of three months, failing which the proceedings would abate. We make it clear that the applicant would be entitled for all his retiral dues in the event of the disciplinary proceedings getting abated, rendering the Annexure-A/1 Memorandum of Charges, *non est* in the eyes of law. No costs.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)

‘rk’