

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**CP-851/2017 in  
OA-1737/2016**

**New Delhi, this the 09<sup>th</sup> day of July, 2018**

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

S.M. Dubey, Es. OS from the O.o ADEM Office,  
NCR, Itawah, Age-61, Group C(OS),  
S/o late Sh. Hari Dass Dubey,  
C/o Sh. Saurabh, H. No. RZG-315,  
Gali No. 5, Raj Nagar Part-II,  
Palam Colony, New Delhi-45.

... Petitioner

(through Sh. U. Srivastava)

Versus

Sh. S.K. Pankaj,  
The Divisional Railway Manager, Allahabad,  
Northern Central Railway Allahabad, UP,  
Sh. Anoop Kumar, The Sr. Divisional Engineer IV,  
Northern Central Railway,  
DRM Office Allahabad, UP. ... Respondents

(through Sh. Kripa Shankar Prasad)

**ORDER (ORAL)**

**Hon'ble Sh. K.N. Shrivastava, Member (A)**

This CP has been filed for the alleged non compliance of the Tribunal's order dated 11.07.2016 in OA No. 1737/2016. The Tribunal had given a direction to the respondents to complete the pending DE proceedings against the applicant within a period of three months. Since the order could not be completed within the given time frame, the respondents prayed for extension of time twice, which was granted. Sh. Kripa Shankar Prasad, learned counsel for the respondents today has placed on record an order dated 02.04.2018 of the Railway Board which reads as under:

"Whereas, disciplinary proceedings under Rule 9 of Railway Servants (Discipline and Appeal) Rules, 1968 were initiated against Shri S.M. Dubey, retd. Chief Office Superintendent under ADEN/ Etawah, North Central Railway by Sr. DEN/ Allahabad/NCR, the Disciplinary Authority vide Charge Memorandum No. गो.सहा. वरिष्ठ मंडल अभियंता चतुर्थ 2014/01/0046/पी सी/VI/N/ ALD dated 19.02.2014;

2. And whereas, the said Shri S.M. Dubey retired on superannuation on 28.02.2014, before the completion of the said disciplinary proceedings, and the instant proceedings were therefore deemed to be proceedings under Rule 9 of Railway Services (Pension) Rules, 1993;

3. And whereas, the Disciplinary Authority remitted the matter to the President in terms of Rule 9(2) of the aforesaid Railway Services (Pension) Rules, 1993;

4. And whereas, the President has carefully considered the report dated 24.11.2014 of the Inquiry Office and all other records of the instant case including the Charged Pensioner's representation dated 09.12.2014 on the Inquiry Report;

5. Now, therefore, the President, keeping all aspects in view, has held that the charge proved against the said Shri S.M. Dubey is not grave enough to warrant a cut in his pensionary benefits and has accordingly ordered that the charged levelled against him be dropped.

6. This is hereby done.

7. The said Shri S.M. Dubey is required to acknowledge receipt of this Order in writing.

BY ORDER AND IN THE NAME OF THE PRESIDENT

Learned counsel for the respondents, Sh. Kripa Shankar Prasad submits that the order of the Tribunal has been complied with and this CP may be closed.

2. Learned counsel for the petitioner, however, submits that the petitioner retired from service on 28.02.2014 on attaining the age of superannuation and that the memorandum of charge was issued to him on 19.02.2014 as a result of which he was denied his pensionary benefits. He further submits that despite the order dated 02.04.2018 of the respondents dropping the charges against the applicant and thus giving quietus to the DE proceedings, the applicant has not been granted his retiral benefits.

3. Our direction was for completion of the DE proceedings within a period of three months. The said time frame, however, was extended twice at the request of the respondents. In view of the order dated 02.04.2018 passed by the respondents, we are satisfied that the order of the Tribunal has been complied with and as such this CP has become infructuous. It is, accordingly closed and notices issued to the respondents are discharged.

4. Before parting with this order, we would like to observe that since the charges against the petitioner have been dropped by the respondents, it is only logical that the respondents grant all the retiral benefits to the petitioner as expeditiously as possible.

**(S.N. Terdal)**  
**Member (J)**

/ns/

**(K.N. Shrivastava)**  
**Member (A)**