

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

OA No. 1640/2015

New Delhi this the 02nd day of May, 2019

Hon'ble Sh. Pradeep Kumar, Member (A)

Yad Ram Yadav,
Aged 63 years,
S/o Late Shri R.K. Yadav,
Statistical Assistant (retired) ... Applicant

Resident of:

House no. 885, Bawana
Delhi-110039

(By Advocate : Applicant in person)

Versus

1. Government of NCT of Delhi
Through the Chief Secretary
Government of NCT of Delhi,
Delhi Sachivalaya,
New Delhi-110002.
2. The Commissioner,
Trade & Taxes,
Government of NCT of Delhi,
Delhi Sachivalaya,
New Delhi-110002. .Respondents

(By Advocate : Sh. Amit Yadav)

ORDER (ORAL)

The applicant pleaded his case himself.

2. In the instant case, the applicant was issued a charge sheet on 5.08.2011, which reads as under :-

“Sh. Yad Ram Yadav, while functioning as S.A., Ward-96 in the erstwhile Sales Tax Deprtment (Now Trade & Taxes Department) during the relevant

period of posting committed gross misconduct in as much as he accepted illegal gratification offered by a bribe giver who approached him in his office to seek favour from him. The transaction of offer and acceptance was secretly video-graphed and recorded by a News Channel 'Aaj Tak' and was also telecast which tarnished the image of Sales Tax Department, Govt. of NCT of Delhi."

Thus, Sh. Yad Ram Yadav, the then S.A., War-96 by the above mentioned-deliberate act failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Govt. Servant thereby violated Rule 3 of CCS (Conduct) Rules, 1964."

3. The inquiry was held and the findings of the Inquiry Officer dated 11.7.2013 read as under :-

"On the basis of the documentary and oral evidence produced in the case before me and in view of the reasons given above, I hold that charged official accepted money in the official capacity at official working station from a unseen person during the course of his posting in Ward-96 erstwhile Sales Tax Department now Trade & Taxes Department."

4. The applicant pleads that his gratuity has not been released. Feeling aggrieved, the OA has been filed and following reliefs have been sought :-

"8.1. to allow the present Application;

8.2. to direct the Respondent Government to immediately release the Gratuity due to the Applicant with interest on the delayed payment @ 18% per annum, compounded monthly, from the date it was due to the date it is actually paid;

8.3. to direct payment of exemplary damages to the Applicant;

8.4. to allow exemplary costs of the application; and

8.5. to issue any such and further order/directions this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case."

5. The respondents mentioned that the applicant had retired on 30.09.2011. The respondents' counsel mentioned that, on instructions he has been advised that said disciplinary case is pending at present with Ministry of Home Affairs and because of this, the gratuity has not been released as yet.

6. Matter has been heard. Sh. Yad Ram Yadav represented his case in person and Sh. Amit Anand represented the case of the respondents.

7. It is noted that the inquiry report was finalised on 11.7.2013. A time period of more than 5 years has already passed without there being a final decision. This delay is not acceptable.

8. The OA is disposed off with directions to take a final decision in respect of the said disciplinary proceedings within a period of six months of receipt of certified copy of this order, and advise the applicant. The respondents shall also take a decision in respect of the relief sought in the instant OA, immediately thereafter, within a further period four weeks.

Both these decisions shall be communicated to the applicant in this time allowed. Applicant shall be at liberty to approach the Tribunal, in case some grievance still subsists in respect of the disciplinary case as well as in respect of the relief sought in the instant OA. No order as to costs.

**(Pradeep Kumar)
Member (A)**

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