

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH:  
NEW DELHI**

O.A. No.3497 of 2017

This the 3<sup>rd</sup> day of July, 2019

**Hon'ble Ms. Nita Chowdhury, Member (A)**

B.S. Jarial (Aged about 61 years),  
Group 'B' Ex-Deputy Supdt. Grade-I  
S/o late Shri G.S. Jarial  
R/o 43, MBK Apartments Sector – 13,  
Dwarka New Delhi-110078.

....Applicant

(By Advocate: Applicant in person though his counsel is  
absent)

Vs.

1. Govt. of NCT of Delhi  
through Chief Secretary, N.C.T. of Delhi  
Delhi Secretariat, IP Estate,  
New Delhi-110002.
2. The D.G. (Prisons)  
Prisons Headquarters,  
Near Lajpwanti Chowk  
New Delhi-110064.
3. The Superintendent  
Central Jail No.1, Tihar Jail,  
New Delhi-110064.

....Respondents

(By Advocate : Shri Mananjay Mishra)

**O R D E R (Oral)**

When this OA called out, the applicant was present in person and intimated that on the previous date and today also his counsel is otherwise heavily busy and requested that he be heard in person.

2. On the plea of the applicant, the matter was taken up and both parties heard.

3. This is a case in which the applicant, who retired as a Deputy Superintendent, Grade-I in 2016, has sought the following reliefs:-

- “i. Direct the respondents to pay Gratuity and allow commutation of pension, withheld illegally with interest @ 18% per annum w.e.f. 01.03.2016, till the date of release of payment.
- ii. Cost of the proceedings may also be awarded to the applicant; and
- iii. To pass any such order/orders as may be deemed fit and proper by the Hon'ble Tribunal in the facts and circumstances of the case.”

4. It is the case of the applicant that he retired in 2016 but has not been given his retiral dues in the form of gratuity and commutation of pension on the ground that some chargesheet had been issued against him. He requested that the respondents be charged with deciding his case early so he can get pensionary benefits of his retirement.

5. Counsel for the respondents submitted that applicant along with other employees was issued charge sheet under Rule 14 of CCS (CCA) Rules, 1965 on 22.10.2013 and as per the applicant's own version, D.E. proceedings are in progress. He further submitted that only upon conclusion of the D.E. proceedings, the provisional pension will be adjusted against final retirement benefits sanctioned and also the amount of gratuity will be released.

6. After hearing the parties and perusing the record, this Court note that D.E. proceedings initiated against the

applicant in 2013. It is incumbent upon the respondents to conclude the same in a time bound manner so that appropriate decision on his pending retirement claims can be made.

7. In view of the above position, this Court directs the respondents to conclude the D.E. proceedings initiated against the applicant as expeditiously as possible and definitely within a period of two months from the date of receipt of a copy of this Order and thereafter, the respondents shall pass a detailed speaking order with regard to disbursement of gratuity, commutation of pension and any other pending retirement benefits of the applicant within a period of 60 days positively.

8. The OA is allowed in above terms. There shall be no order as to costs.

**(Nita Chowdhury)  
Member (A)**

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