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Central Administrative Tribunal, Principal Bench

Original Application No.1470 of 2002

New Delhi, this the 31st day of May, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Shri V.K. Saxena  
S/o late Shri Laxmi Narain Saxena  
Asstt. Director General (Stores)

R/o B-8/1073, Vasant Kunj  
New Delhi-70

....Applicant

(By Advocate: Shri M.K. Gupta)

Versus

1. Union of India  
Through its Secretary  
Ministry of Health and Family Welfare  
Nirman Bhawan, New Delhi-11

2. Director General of Health Services  
Government of India  
Nirman Bhawan, New Delhi-11

- Respondents

O R D E R (ORAL)

By Hon'ble Mr. S.A.T. Rizvi, Member (A)

The applicant who was promoted as A.D.G. (Stores) in 1989, had departmental proceedings initiated against him in 1995 based on an incident which took place in 1989-90. These proceedings culminated in an order of penalty of reduction of pay by two stages without cumulative effect being imposed on him on 24.4.2002. The aforesaid penalty is ~~is~~ under challenge in OA No.1298/2002. Fresh proceedings have been drawn up against the applicant on 26.12.2001 vide memorandum placed at Annexure A-1. Nearly five months have since elapsed without the respondents taking further action in the matter. The applicant apprehends delay in the finalisation of these proceedings and since he is going to retire from service on 31.7.2003, he is keen that the said proceedings instituted afresh are finalised as expeditiously as

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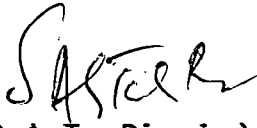
possible. Moreover the applicant had been considered for promotion to the post of D.D.G. in 1995 itself when the aforesaid earlier proceedings were initiated and as a result of which, the recommendations made by the DPC in respect of him had been kept in the sealed cover and continued to remain in the sealed cover. The sealed cover cannot be opened in view of the fresh proceedings launched on 26.12.2001.

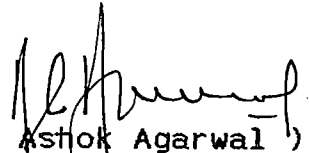
2. The learned counsel appearing on behalf of the applicant submits that the applicant is entitled to conclusion of the current departmental proceedings in the most expeditious manner. He has placed reliance on the law laid down by the Supreme Court in the case of State of A.P. vs. N. Radhakishan decided on 7.4.98 reported in (1998) 4 SCC 154 wherein the court felt that the law laid down by it on speedy trial in the case of A.R. Antulay vs. R.S. Nayak could be applied to disciplinary proceedings as well. In the circumstances, according to the learned counsel, the present applicant is entitled to the current proceedings initiated against him being concluded at the earliest possible. *On his part, the applicant will no doubt cooperate fully with the disciplinary authority.*

3. We have considered the submissions made by the learned counsel and the aforestated facts and circumstances and find that the interests of justice will be duly met by disposing of the present OA at this very stage even without issuing notices with a direction to the respondents to proceed further with the departmental proceedings in question expeditiously and conclude the same in a maximum

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... period of six months from the date of receipt of a copy of this order. We direct accordingly... O.A. is disposed of in the aforestated terms.

  
( S.A.T. Rizvi )  
Member (A)

  
( Ashok Agarwal )  
Chairman

/dkm/