

2

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 1175/2002

New Delhi this the 6th day of May, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri Govindan S. Tampi, Member (A)

Chetanya Kumar  
S/O Lt. Shri P.L. Sharma,  
R/O 363, Behind Kotwali,  
G.T. Road, Bajaria,  
Ghaziabad (UP)

..Applicant

(By Advocate Shri Yogesh Sharma )

VERSUS

1. Union of India though the  
Secretary, Railway Board, Rail  
Bhawan, New Delhi.
2. The President/General Manager,  
I.R.C.A. Northern Railway,  
Baroda House, New Delhi.
3. The Neutral Central Officer,  
I.R.C.A. Northern Railway,  
Baroda House, New Delhi.

.. Respondents

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J))

The applicant has filed this application against the inaction of the respondents in not finalizing the disciplinary proceedings which have been pending against him. The disciplinary proceedings have been initiated against the applicant by charge-sheet dated 1.12.1997. According to the learned counsel for the applicant, the Enquiry Officer has submitted his report on the disciplinary proceedings on 11.6.1998. The applicant has submitted his representation on the Enquiry Officer's report on 7.8.1998. The applicant has submitted that he has also superannuated from service w.e.f. 30.6.2001.

2. One of the main contentions of the applicant is that considering the fact that the charge-sheet has been issued as back as 1.12.1997 and the Enquiry Officer has also submitted his report in June, 1998, there was no reason why the respondents should not <sup>have</sup> passed final orders in the intervening period. The main grievance of the applicant is that till date, the competent authority i.e. the disciplinary authority in respondents office has not cared to pass the final order in the disciplinary proceedings which have been pending against him for nearly five years. Learned counsel has submitted that because no final order has been passed in the disciplinary proceedings, the applicant has been unable to get the retiral benefits excepting provisional pension, which shows arbitrariness and illegality in the action of the respondents in delaying the matter. In the circumstances, learned counsel has prayed that while he has no objection to the respondents being granted <sup>YB</sup> some time to pass a final order in the pending disciplinary proceedings within a prescribed time, if they fail to do so, the charge sheet should be deemed to <sup>be</sup> dropped/quashed so that the applicant is able to get the due retiral benefits in accordance with Rules and instructions. In this connection, we note that the applicant has made a representation to the respondents dated 30.10.2001 to which also we are informed that no reply has been received by the applicant. Hence this OA.

3. We have carefully considered the pleadings and the submissions made by Shri Yogesh Sharma, learned counsel for the applicant.

4. From the brief facts mentioned above and the averments of the learned counsel for the applicant, we find force in his submission that in spite of the fact that the Enquiry Officer has submitted his report to which the applicant had also given his reply way back in 1998, the respondents have yet to take a final decision in the matter. The disciplinary proceedings were initiated against him by charge-sheet dated 1.12.1997. In the facts and circumstances of the case, we find that there has been an inordinate delay on the part of the respondents in taking an appropriate decision in the disciplinary proceedings initiated against the applicant which is contrary to the provisions of the relevant law, Rules and instructions. It is also relevant to note that the applicant has since retired on superannuation from service w.e.f.30.6.2001 and nearly eleven months after his retirement still no order has been passed by the respondents against the applicant as submitted by the learned counsel. In the facts and circumstances of the case, the OA is disposed of with the following directions:-

(i) The respondents shall take a final decision in the aforesaid pending disciplinary proceedings initiated against the applicant by charge- sheet dated 1.12.1997 as expeditiously as possible and in any case within three months from the date of receipt of a copy of this order, with intimation to the applicant;

Y2

(ii) In the circumstances of the case, if no order is passed by the disciplinary authority as directed above, the charge sheet dated 1.12.1997 shall be deemed to have been dropped;

(iii) Further appropriate orders should be passed in furtherance of the aforesaid action within two months thereafter, in accordance with Law, rules and instructions.

No order as to costs.

(Govidan S. Tampi )  
Member (A)

sk

*Lakshmi Swaminathan*  
( Smt. Lakshmi Swaminathan )  
Vice Chairman (J)