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Central Administrative Tribunal, Principal Bench
Original Application No.183 of 2002

New Delhi, this the 30th day of January, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member(A)

Shri H.P. Sharma AAO (Retd)
Defence Accounts Department
ALAO, 510 Army Base Workshop, Meerut
C/o Shri Arun Kumar Vidyarthi
KG-1/185, Vikas Puri
New Delhi

- Applicant

(By Advocate: Shri V.P.S.Tyagi)

Versus

1. Union of India (Through Secretary)
Min. of Defence, New Delhi

2. The Financial Adviser
Min. of Defence (Finance Division)
New Delhi

3. The Controller General of Defence Accounts,
West Block-V,
R.K.Puram, New Delhi

4. The Controller General of Defence Accounts (Army)
Meerut Cantt.

5. Shri G.C.Gaur, I.D.A.S.
A.C.D.A.
Office of the C.D.A. (Army)
Meerut Cantt.

- Respondents

O R D E R (ORAL)

By Mr. V.K. Majotra, Member(A)

Heard Shri V.P.S.Tyagi, learned counsel of the applicant.

2. The applicant has impugned Annexure A-1 dated 29.6.2001 whereby disciplinary proceedings have been initiated against him. He has also challenged appointment of the enquiry officer and commencement of the enquiry vide Annexure A-3 dated 7.1.2001 by the enquiry officer. The learned counsel stated that Annexure A-1 was delivered to him on the day of his retirement and that the same had been

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issued by an incompetent authority who was biased against him. Learned counsel further stated that applicant's statutory appeal-cum-revision application dated 17.10.2001 (Annexure A-8) made under Rule 23 of CCS (CCA) Rules, 1965 did not receive any response from the respondents.

3. From the material on record, we find that it is only an interlocutory stage when after institution of the enquiry, the enquiry officer has been appointed and he has initiated conduct of enquiry. We find that there is no provision of a statutory appeal-cum-revision under Rule 23 of CCS (CCA) Rules, 1965 in a case like the present one. Having regard to these reasons, whereas we do not find any merit in the OA at this stage itself and dismiss the same, however, now that the applicant has retired, it is hoped that the respondents would complete the disciplinary proceedings against the applicant as expeditiously as possible. Simultaneously, it is hoped that the applicant will co-operate in the conduct of the enquiry with the respondents.

V.K.Majotra

(V.K.Majotra)
Member(A)


(Ashok Agarwal)
Chairman

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