

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO.140/2002

This the 23rd day of August, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Hon'ble SH. M.P. SINGH, MEMBER (A)

Shri Jagbir Singh Dnama UDC

Serving in the office of Sub Regional Office of
Employees Provident Fund Organisation, Meerut
R/o 4/103 Raksha Puram, Defence Colony, P.O.
Mawana Road, Meerut (UP)

...Applicant

(By Shri V.P.S. Tyagi, advocate)

Versus

1. Employees Provident Fund Organisation
(Through Central P.F. Commissioner)
14, Hudco Vishala, Bhikaja Cama Place,
New Delhi.
2. Regional Provident Fund Commissioner,
Regional Office (UP)
Nidhi Bhawan, Sarvodaya Nagar,
Kanpur.
3. Sub-Regional Employee's P.F. Commissioner
E.P.F. Organisation,
IInd Floor, Vikas Bhavan,
Civil Lines, Meerut.
4. Shri B.C. Tewari, Inquiry Officer,
Asstt. Commercial Manager (Retd.) from Railway,
Basement Building Suresh Sharma Nagar,
Bareilly-6.

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA seeking quashing of the charge-sheet. The charge-sheet issued to the applicant on 16.07.2001 (Annexure A-1). The applicant has submitted that as per the allegations as contained in Annexure A-1 the alleged misconduct pertains to the year 1992 and the charge-sheet has been issued on 16.07.2001 and there is such a long delay which has not been explained by the respondents at all. So relying upon the judgement cited in AIR 1990 SC 1308 State of MP vs. Bani Singh and another, learned counsel for applicant submits that charge-sheet should be quashed besides



that the applicant had also taken other grounds of mala-fide etc. as the applicant had alleges that the disciplinary proceedings have been initiated against him. With view to victimise him as the applicant is a Union leader and the case has been so done with a mala-fide intention so that the career of the applicant is spoiled.

2. We have gone through the counter filed by the respondents for the delay in chargesheet is concerned, the counter filed by the respondents itself explains as to how the delay has taken place. It is admitted that an inspection team had gone to the office of SRO office Meerut for doing inspection as there were allegations made in some complaints regarding corruption for sanctioning of HBA. The inspection team headed by Sh. S.K. Khanna then RPFC visited Sub-regional office in the said act of forgery and then they called for the record. The person who was in custody of the record went away on some pretext and after waiting for some period still he did not return and when he was again asked for by the applicant and other Union Members and informed that they had taken a joint decision not to produce the record and they have even challenged the authority of the Inspection Team asking for the record. The Inspection Team returned back without carrying out the mission.

3. Further respondents have exchanged information about the offices and it is only after conducting lot of correspondence, they come to the conclusion that chargesheet be issued to the applicant, so the delay, as alleged by the applicant is not


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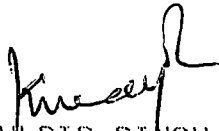
.3.

unexplained. We are satisfied that there is a specific reply for delay in issuing a chargesheet. Hence, we are not inclined to quash the charge-sheet.

4. Since chargesheet is of 1992, we dispose of the OA with a direction to the respondents to complete the enquiry within a period of four months from the date of receipt of a copy of this order and to pass a final order thereto.

5. OA stands disposed of with the above directions. No costs.


(M.P. SINGH)
MEMBER (A)


(KULDIP SINGH)
MEMBER (J)

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