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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA-203/2003 in
OA-191/2002

New Delhi this the 6th day of July, 2004.

Hon'ble Sh. Shanker Raju, Member(J)
Hon'ble Sh. R.K. Upadhyaya, Member(A)

1. Union of India through
Secretary,
Ministry of Water Resources,
Shram Shakti Bhawan,
New Delhi.
2. Secretary,
Railway Board,
Rail Bhawan,
Rafi Marg,
New Delhi.
3. Secretary,
Deptt. of Personnel & Training,
Ministry of Personnel,
Pension & Public Grievances,
North Block,
New Delhi-1.
4. Secretary,
UPSC,
Dhoulpur House,
Shahjahan Road,
New Delhi.
5. Chairman,
Central Water Commission,
Sewa Bhawan,
R.K. Puram,
New Delhi-66. Review Applicants

(through Sh. Neeraj Goyal, proxy for Sh. Adish. C.
Aggarwala, Advocate)

Versus

Sh. Rajesh Yadav,
S/o Shri M.S. yadav,
C/oo Ch. Harmoohan Singh,
12-A, Gudwara Rakabganj
Road, New Delhi-1. Respondent

(through Sh. S.K. Gupta, Advocate)

ORDER (ORAL)
Hon'ble Shri Shanker Raju, Member(J)

Heard the learned counsel.

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2. The only ground raised in this review application by the respondents is that on the date the direction was issued to open the sealed cover, the disciplinary proceedings were pending.

3. Learned counsel of the review respondent contends that a memorandum serving upon the applicant an enquiry report was issued on 15.1.2003 which was responded to on 27.1.2003. Till date a period of more than 17 months had expired, no final decision has been arrived at. In this conspectus, it is further stated that part of the direction to suitably amend the rules has not been complied with.

4. On the other hand respondents were directed to ascertain the position of the disciplinary proceedings states that the matter has been referred to the railways where the applicant had earlier worked and the charge pertained to that period. The disciplinary proceedings are in process. On CVC's finding the matter has been referred to the UPSC.

5. In this view of the matter, we find that the direction issued to open the sealed cover was inadvertent without taking into cognizance the office memorandum dated 15.1.2003. The disciplinary proceedings were already in existence, to open the sealed cover would not be in consonance with law. However, having regard to the fact that the applicant is sufferer, the disciplinary proceedings could have

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been disposed of within six months from the date of submission of the enquiry report. The respondents have not taken prompt action. In this view of the matter, RA is allowed to the extent that the sealed cover be opened in accordance with law with an observation that the disciplinary proceedings shall be expedited and preferably within three months would be taken to pass a final order to facilitate the opening of the sealed cover. No costs.



(R.K. Upadhyaya)
Member(A)



(Shanker Raju)
Member(J)

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