

24-10-2003



Present : Sh. S.M.Arif, ld. counsel for applicants in
MA/original respondents.
None for respondent in MA/original applicant.

No reply has been filed by the applicant to this MA
inspite of the fact that time has been given to him to do so.

2. None has appeared for the original applicant.
Accordingly we have perused the relevant documents on record
and heard Sh. S.M.Arif, ld. counsel for the respondents.

3. MA 1833/2003 has been filed by the respondents
seeking further extension of time to complete the
Departmental Enquiry pending against the applicant by another
6 months. We note that at the request of the applicant
himself, a direction was given by Tribunal vide order dated
31-10-2002 in OA 2820/2002 as follows :-

"It is directed that the inquiry officer, who is
stated to have since been appointed, will conclude
the disciplinary proceedings preferably within six
months from the date of receipt of a certified copy
of the present order. This is subject to the
condition that the applicant cooperates and does
not delay the departmental proceedings. After the
inquiry is completed, it is expected that
disciplinary authority will pass the final order
within the next two months.

4. The respondents had sought further time which
was granted by Tribunal's order dated 23-5-2003 to implement
the aforesaid order. Thereafter, the present MA has been
filed. In this MA, the respondents have stated, inter alia,
that the applicant deliberately is not co-operating in the
pending disciplinary proceedings and adopting delaying
tactics by asking the original documents which are in the
custody of CBI. Respondents have also stated that original
documents relied upon were transferred to the CBI and the
enquiry against the respondent/applicant in OA has proceeded,
based on the photostat attested copies of the relevant
documents.

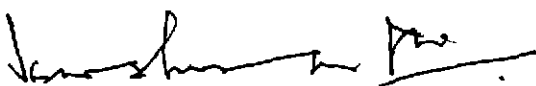
5. Having regard to the aforesaid facts and

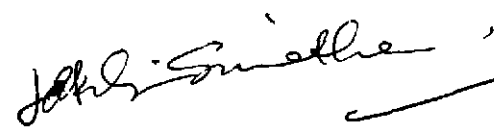
submissions of the learned counsel for the respondents and the averments in the MA, we reiterate the previous directions of the Tribunal that the applicant shall co-operate with the authorities and should not delay the Departmental proceedings. It is further noticed that the respondents themselves have relied upon the attested photocopies of the documents, as the original documents are stated to be with CBI. Therefore, in the circumstances of the case, the respondents should proceed in the matter of the pending Departmental Enquiry on the basis of same documents, copies of which should be given to the applicant, if not already done so far. In case the respondents have taken steps to obtain the original documents from CBI and the same are available within ^{the} next one month, the applicant may be permitted to inspect these documents, in accordance with the Rules. However, we make it clear that in view of what has been stated above, the applicant should co-operate with the authorities to ensure that Departmental Enquiry Proceedings pending against him is completed as expeditiously as possible, including reliance on the attested photocopies of the relied upon documents.

6. Ld. counsel also submits that the advice of UPSC has to be obtained before the disciplinary authority can pass the final order in the matter under Rule 9 of the CCS (Pension) Rules, 1972, as the applicant has since superannuated from service.

7. In the facts and circumstances of the case, MA 1833/2003 is disposed of granting the respondents four months from today to complete the Departmental Enquiry proceedings pending against the original applicant.

8. MA 1833/2003 is disposed of as above.


(Sarveshwar Jha)
Member (A)


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