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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P.No.11/2004

O.A.No.2297/2002

New Delhi this the 27th day of April, 2004.

Hon'ble Shri V.K. Majotra, Vice Chairman(A)
Hon'ble Shri Shanker Raju, Member (J)

Rajendra Prasad Tyagi
S/o Shri Liladhar Tyagi
R/o 102/8, East End Apartment,
Mayur Vihar Phase-I Extension
New Delhi

... Applicant

(By Advocate: Shri Y.S. Tyagi)

versus

- 1.. Pradip Kumar Shukla
Secretary (Appointment)
State of Uttar Pradesh
Lucknow.
- 2.. V.K. Diwan, Chief Secretary
State of Uttar Pradesh,
Lucknow.

... Respondents

(By Advocate: Shri Anubrat Sharma)

Order(Oral)

Hon'ble Shri V.K.Majotra, VC(A)

Heard.

2.. Learned counsel of respondents has filed a copy of order dated 31.3.2004 passed by the respondents, whereby respondents have taken a decision that fresh disciplinary enquiry shall be conducted against the applicant. Learned counsel of the applicant has drawn our attention to CCS(CCA) Rules contending that fresh departmental enquiry could not have been ordered by the respondents against the applicant. We are in agreement with him as in terms of Rule 15 of CCS(CCA) Rules, 1965, the Disciplinary Authority, for reasons to be recorded in writing *may* remit the case to the enquiring authority for

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Further enquiry and the enquiring authority then proceeds to hold further enquiry in accordance with the provisions of Rule 14 *ibid.* A fresh departmental enquiry is not contemplated in this provision. As such the orders passed by the respondents are not in accordance with law. Vide Tribunal's order dated 16.7.2003 (Annexure A-1) they have been called upon to complete the disciplinary proceedings against the applicant in accordance with law within a period of two months.

3. Respondents are directed to pass fresh detailed and speaking orders in accordance with law within a period of one month from today failing which a serious view would be taken in the matter.

4. With the above observations/directions, the present CP is disposed of with liberty to the applicant. Notices to the respondents are discharged.

Issue Dasti.

S. Raju
(Shanker Raju)
Member(J)

V.K. Majotra
(V.K. Majotra)
Vice Chairman(A) 27.4.04

rb.