

(10)

M.A. No.572/2005 in
O.A. No.3137/2002

New Delhi, this the 14th day of July, 2005

Present: Shri G.D. Bhandari, counsel for the applicant.

~~Ms. Simran, proxy for Mrs. Avnish Ahlawat, counsel for the respondents.~~

Applicant had filed O.A.No.3137/2002. On 4.9.2003, the same was disposed of with the following directions:

"a) As for present, departmental proceedings would be stayed.

b) If the proceedings before the Spl. Judge, Delhi are not completed within six months from today, the respondents would be competent to revive the departmental proceedings without any further direction from this Tribunal.

After six months of the expiry of the said period, another O.A. No.439/2005 was filed. It was held therein at the preliminary hearing itself that final decision has already been arrived at and there was no reason to go behind the earlier order. However, the learned counsel at that stage, had withdrawn the petition with liberty to file a Miscellaneous Application. The said petition was disposed of.

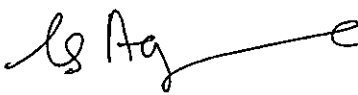
By virtue of the present M.A., the applicant prays that respondents should be directed not to compel him to cross-examine the witnesses in the disciplinary proceedings and they should not proceed further in this regard.

Application is being contested.

As already referred to above, on 4.9.2003, it was clearly held that if within six months the disciplinary proceedings are not concluded, the respondents could start the disciplinary proceedings. The said order had become final between the parties.

Learned counsel for the applicant urged that the criminal case has already been fixed for trial but it was pointed out by the respondents' counsel that though the same had been fixed, but it was adjourned. Further long time is likely to take place. Once a final order has already been passed dated 4.9.2003, it will not be appropriate to accept the prayer or go behind the said order. The disciplinary proceedings cannot be adjourned indefinitely. In this view of the matter, M.A. must fail and is dismissed.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

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