

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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OA NO. 1177/2003
MA NO. 1070/2003
with
MA NO. 1419/2003
MA NO. 1421/2003 IM
OA NO. 84/2002
and
MA NO. 1418/2003 &
MA NO. 1420/2003 IM
OA NO. 85/2002

This the 24th day of July, 2003

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

1. S.L. Ridla
S/o Late Shri G.R. Ridla
R/o 10-A/69, W.E.A.
Karol Bagh, New Delhi.
2. D.V.S. Dagar
S/o Late Shri Daryao Singh
R/o 24-A, Ayodhya Enclave,
Sector-13, Rohini,
Delhi-110 085.

(By Advocate: Sh. S.K.Gupta)

Versus

1. Lt. Governor
Government of NCT of Delhi
Raj Niwas
Delhi.

The Chief Secretary,
Government of NCT of Delhi
Delhi Secretariat
I.G. Stadium, I.P. Estate
New Delhi-110 002

(By Advocate: Sh. Ajesh Luthra)

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

MA-1070/2003 for joining together is allowed.

2. Two applicants have filed this OA seeking a declaration that the minor penalty proceedings pending against the applicants be declared as abated on the basis of the order passed by this Tribunal earlier in OA No.84-85/2002 dated 25.10.2002.

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3. Facts in brief are that applicants while posted in Sales Tax department were implicated in some vigilance case to which they were issued the charge sheet in the year 1998 and the applicants were inflicted minor punishments vide order dated 7.12.2000. Thereafter both the applicants filed appeal before the appellate authority which was also rejected. Then both the applicants have also filed OAs registered as 84/2002 and 85/2002. The Tribunal has quashed the orders of punishment and granted the liberty to the respondents to proceed afresh the proceedings as initiated under Rule 16(1) of CCS (CCA) Rules and it is also observed that in case the department chooses to conduct the proceedings afresh, then the same shall be completed within a period of four months from the date of the receipt of a copy of this order.

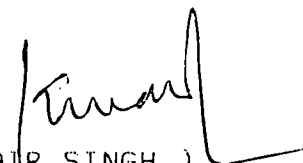
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4. It has also observed that if the enquiry is not completed within 4 months then the proceedings shall stand abated. The copy of the order was received by the applicant on 3.11.2002 and the same was also sent to the department which was also received by the department in the month of November 2002. However, the applicant did not hear anything about conducting of proceedings afresh as observed by the Tribunal. It is only after filing of the OA, it is submitted that the applicant came to know that the respondents have filed an MA seeking extension of time and that too alongwith the condonation of delay. So it is stated that this OA should be allowed and respondents' MA seeking condonation of delay as well as extension of time should be dismissed. It is further stated that the case of the applicant is fully covered by the order of the Tribunal in case of Mahavir Singh vs. Union of India in OA-291/92 wherein it had relied upon a judgement of Hon'ble Apex Court.

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5. Respondents who are contesting the OA explained that some of the documents were not available and the same had been made available only in March 2003 that too in respect of one of the applicant, namely, Sh. D.S.Dagar and as regards the documents in respect of the other applicant Sh. Ridla, the same are still with the CBI authority and same are not available with the department. So there is no delay in conducting the proceedings afresh. However, as to what steps are taken from the date when the copy of the order was received by the department. The department was unable to satisfy this Tribunal as to why no action has been taken from November till March when the first correspondence was initiated for supply of the documents. Thus, we find that the respondents did not bother to implement the order passed by this Tribunal at all for a period of 4 months which was the time allowed to the respondents. Rather they have conveniently allowed to lapse the time and it is only after the applicant has filed the present OA for declaration that proceedings should be declared to have been abated, respondents have filed the MAs seeking condonation of delay and extension of time. The same cannot be allowed as there is no satisfactory explanation for the same. So all the MAs No. 1419/2003, 1421/2003, 1418/2003 and 1420/2003 are dismissed.

6. OA is allowed and the proceedings initiated against the applicant under Rule 16 of the CCS (CCA) Rules are declared to have abated.


(KULDIP SINGH)
Member (J)