



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.643/2020

Thursday, this the 5th day of March 2020

Hon'ble Sri Justice L. Narasimha Reddy, Chairman
Hon'ble Sri A. K. Bishnoi, Member (A)

K.K. Gautam s/o late Shri Dr. D P Gautam
Retired SSO Group B
Aged about 61 years
r/o B-102, Sector 15 B, Avas Vikas Colony
Sikandra Yojana, Agra 282007
Presently in Delhi

..Applicant

(Sri Nilansh Gaur and Sri Karan Chawla, Advocates)

Versus

1. Union of India
Through its Secretary
Ministry of Statistics & Programme Implementation
418, Sardar Patel Bhawan,
Parliament Street, New Delhi
2. The Director
Statistics & Programme Implementation
National Sample Survey Office
(Field Operations Division)
Headquarters, Delhi
Sanskhiyiki Bhawan, A Block, 5th Floor
GPOA Building, Behind Karkardooma Court
Shahdara, Delhi – 110 032
3. The Director
Statistics & Programme Implementation
National Sample Survey Office
(FOD) Regional Office, 64/4
B Wing, Second Floor, CGO Complex
Sanjay Place, Agra 282003

..Respondents

(Sri Shailendra Tiwari, Advocate)



O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant was working as Senior Statistical Officer in Ministry of Statistics & Programme Implementation. Charge memo dated 22.09.2017 was issued to him with certain allegations. Explanation submitted by him was not found satisfactory and the disciplinary authority appointed the inquiry officer. It is stated that the inquiry is yet to be completed. The applicant retired from service on 31.05.2018. The proceedings were converted into those under Rule 9 of CCS (Pension) Rules, 1972. The grievance of the applicant is that the proceedings are not completed, despite the time stipulated by the Hon'ble Supreme Court in **Prem Nath Bali v. Registrar, High Court of Delhi & another**, (2015) 16 SC 415 had expired, and that he is facing serious hardship on account of pending disciplinary proceedings.

This O.A. is filed with a prayer to declare that the charge memo and the disciplinary proceedings, initiated against him, have lapsed for non-conclusion of the same.



2. We heard Mr. Nilansh Gaur, learned counsel for applicant and Sri Shailendra Tiwari, learned counsel for respondents, at the stage of admission.

3. The principal contention advanced on behalf of the applicant, is that the disciplinary proceedings lapsed on account of their non-conclusion, within the time stipulated in the judgment in **Prem Nath Bali** (supra). A perusal of the said judgment discloses that the Hon'ble Supreme Court required the authorities to make effort to conclude the proceedings within a stipulated time. There is no indication to the effect that if the proceedings are not completed within the stipulated time, they would lapse.

4. All the same, pendency of the disciplinary proceedings, particularly when the applicant has retired from service, will have its own impact on his retirement benefits.

5. We, therefore, dispose of the O.A. directing the respondents to conclude the disciplinary proceedings



within four months from the date of receipt of a copy of this order. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 5, 2020
/sunil/