



**Central Administrative Tribunal
Principal Bench**

OA No.512/2020

New Delhi, this the 20th day of February, 2020

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

VS Rana,
S/o Sh. KP Singh Rana,
Group 'B',
Aged about 47 years,
Presently posted at Agra as SSO
R/o 51A Defence Colony,
Agra Cantt.-282001
Presently in Delhi

- Applicant

(By Advocate: Shri Nilansh Gaur)

Vs.

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
Sankhiyiki Bhawan,
A-Block, 5th Floor,
GPOA Building, Behind Karkardooma Court,
Shahdara, Delhi-110032
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



(By Advocate: Shri SN Verma)

: O R D E R (ORAL) :

Per Hon'ble Sri Justice L. Narasimha Reddy:

The applicant is working as Senior Statistical Officer (SSO) in the Ministry of Statistics and Programme Implementation. A charge memo was issued to him on 22.09.2017 with certain allegations. The explanation submitted by the applicant was not found satisfactory, and the Disciplinary Authority (DA) appointed an Inquiry Officer (IO). A report was submitted by the IO on 30.08.2019. On perusal of the report, the DA found that it is inconclusive, and that the findings do not accord with the evidence on record. Therefore, he directed further inquiry in the matter, through an order dated 02.12.2019. The same is challenged in this OA.

2. The applicant contends that the impugned order, in fact, directs the denovo inquiry in the name of further inquiry, and the same is impermissible in law. It is also stated that the DA did not furnish the cogent reasons in support of his decision to direct further inquiry.



3. We heard Shri Nilansh Gaur, learned counsel for the applicant and Shri SN Verma, learned counsel for the respondents, at the stage of admission.

4. The applicant feels aggrieved by the order dated 02.12.2019 passed by the DA, directing further inquiry.

The order reads as under:-

“WHEREAS disciplinary proceedings were initiated against Shri Vijay Singh Rana, Senior Statistical Officer (SSO), NSSO (FOD), RO Agra under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 vide memorandum dated 22.09.2017.

2. **WHEREAS** Disciplinary Authority appointed Shri G.P. Singh, Deputy Director, NSSO (FOD), Hqrs., Delhi as Inquiry Officer vide order No.11018/9/2017-SSS dated 02.02.2018 to inquire into the charges framed against the said Shri Vijay Singh Rana, Senior Statistical Officer.

3. **AND WHEREAS** the Disciplinary Authority finds the Inquiry Report dated 30.08.2019 inconclusive on account of the following reasons:

(i) In the absence of analytical conclusions, the Inquiry Report was found to be inadequate for arriving at any decision, in respect of the charges framed under Article I and II. The Inquiry Report should be based on the evidence received in the course of the inquiry and submissions made by the PO and CO through their respective brief, with the finding as to whether the charges are proved or not.

(ii) The conclusion drawn under the charge-III also does not clearly indicate as to whether the charge has been established or not.

4. **NOW, THEREFORE**, under the provisions of Rule 15(1) of CCS(CCA) Rules, 1965, the Disciplinary Authority has decided to remit the case back to the



Inquiry Authority for further inquiry. The Inquiry Authority is also directed to conclude the proceeding at the earliest and submit the report with unambiguous findings.”

5. From the above order, it is evident that the DA formed the opinion that the report of the IO dated 30.08.2019 is inconclusive, and he has also furnished the reasons in support of his decision to order further inquiry.

6. The apprehension of the applicant that the impugned order would pave the way for denovo inquiry, does not appear to be well founded. The DA did not restrict the scope of the inquiry nor did he attach finality to any aspects. He directed further inquiry, duly pointing out certain facts. By no stretch of imagination, the one directed through the impugned order, can be said to be, a denovo inquiry.

7. Another contention of the applicant is that the proceedings must be deemed to have elapsed on account of their not having been completed within the time frame stipulated under the instructions issued by the DoPT. To our knowledge, the instructions issued by the DoPT, only require the concerned authorities to be attentive and to ensure that the proceedings are completed in a time frame. Nowhere it is mentioned that the proceedings shall elapse,



in case they are not completed within the stipulated time. The judgment of the Hon'ble Supreme Court in **Prem Nath Bali vs. Registrar, High Court of Delhi & Anr.**, (2015)16 SC 415, also does not direct that the proceedings shall elapse in case they are not completed within a particular time.

8. Lastly, it is stated that the proceedings are continued for a long period and the applicant is put to serious hardship. This grievance certainly needs to be addressed.

9. Therefore, even while declining to interfere with the impugned order, we direct that the proceedings initiated against the applicant shall be concluded within a period of four months from the date of receipt of a copy of this order, in all aspects. The applicant shall not cause any obstruction to the proceedings.

10. The OA is accordingly disposed of.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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