

Central Administrative Tribunal  
Principal Bench

O.A. No. 1120 of 2001

New Delhi, dated this the 29<sup>th</sup> MAY, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Suman Gupta,  
S/o Shri M.M. Gupta,  
Asst. Director of Income Tax (Recovery),  
Room Noo. 616, Mayur Bhawan,  
Connaught Place, New Delhi. . . Applicant

(By Advocate: Shri P.P. Khurana, Sr. Counsel with  
Ms. Rinchen Ongmu)

Versus

1. Union of India through  
the Secretary,  
Ministry of Finance,  
Dept. of Revenue,  
North Block,  
New Delhi.
2. Central Board of Direct Taxes  
through its Chairman,  
North Block,  
New Delhi. . . Respondents

(By Advocate: Shri V.P. Uppal)

ORDER

S.R. ADIGE, VC (A)

Applicant seeks quashing of the disciplinary  
proceedings initiated against him vide Memo dated  
22.7.91 (Annexure A-1) and prays that respondents be  
restrained from taking any proceedings/punitive  
action pursuant to the same.

2. Heard both sides.

3. During the course of hearing Shri Khurana  
handed over a statement showing the chronology of  
dates relating to the aforesaid D.E. initiated  
against applicant vide Memo dated 22.7.91. A perusal

of the same makes it abundantly clear that the proceedings have dragged on, for one reason or the other, for an unconscionably long time. However, applicant himself admits that he has submitted his representation/comments on CVC's advice to respondents on 22.5.2001, and under the circumstances, the questioning of quashing the disciplinary proceedings initiated against applicant vide Memo dated 22.7.91 at this stage is rejected.

4. What requires to be done at this stage is that the disciplinary authority should take a final decision in the matter as quickly as possible. When we asked Shri Uppal how long it was likely to take for the disciplinary authority to take a final decision in the matter, he gave a time frame of at least six months, as he said that UPSC had also to be consulted in the matter. In this connection Shri Khurana invited our attention to a similar case bearing O.A. No. 590/2001 Dr. J.K. Goyal Vs. Union of India & Others, which had been disposed of by the Tribunal's order dated 29.<sup>03.2001</sup> with a direction to the disciplinary authority to pass final orders in the disciplinary proceedings within two months from the date of receipt of the copy of the order.

5. Accordingly we dispose of this O.A. also with a direction to the disciplinary authority to take a final decision in the disciplinary proceedings within two months from the date of receipt of a copy of this order.

6. During the course of hearing Shri Khurana also invited our attention to Paras 4 and 5 of DOPT's own circular dated 14.9.92 a copy of which is taken on record on the subject of promotion of Govt. servants against whom disciplinary proceedings were pending ~~or~~ whose conduct was under ~~review~~ <sup>in investigation</sup>. Para 4 calls for periodic six monthly reviews of the cases of those Government servants whose suitability for promotion has been kept in sealed cover from the date of convening the last DPC. Para 5 speaks of the review of cases of Govt. servants who have been facing disciplinary proceedings for more than two years, with a view to considering them for grant of ad hoc promotion subject to certain conditions. Shri Khurana has stated that although applicant's case has been kept in sealed cover by successive DPCs ever since disciplinary proceedings were initiated against applicant vide Memo dated 22.7.91, his case has not been reviewed even once in terms of Paras 4 and 5 of DOPT's <sup>respondents</sup> own circular dated 14.9.92 and in the meantime ~~some~~ <sup>7500</sup> of his juniors have been promoted to higher posts.

7. We direct that within the period prescribed in Para 5 above, respondents will also conduct a review of applicant's case in terms of

Paras 4 & 5 of DOPT's aforesaid circular dated 14.9.92 by means of a detailed, speaking and reasoned order in accordance with rules and instructions under intimation to applicant.

8. The O.A. is disposed of in terms of the directions contained in Paras 5 and 7 above. No costs.

A Vedavalli

(Dr. A. Vedavalli)  
Member (J)

S.R. Adige  
(S.R. Adige)  
Vice Chairman (A)

karthik