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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1281/2001

New Delhi, this the 16th day of August, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

Sukhpal Singh
Retired Asstt. Commissioner of Police
S/o Shri K. Singh, aged 61 years
R/o 4/18-A, (B-93) Old Kanti Nagar
Delhi - 51

...Applicant

(By Advocate Shri Sachin Chauhan)

V E R S U S

UNION OF INDIA : Through

1. Secretary
Ministry of Home Affairs
North Block, New Delhi.

2. Joint Secretary
Ministry of Home Affairs
Govt. of India, New Delhi.

...Respondents

(By Advocate Shri S.K.Gupta through
Ms. Sumedha Sharma)

O R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

The applicant is aggrieved by the action taken by the respondents ~~by~~ initiating the Departmental enquiry proceedings against him by an order dated 7-11-2000, followed by the memorandum of article of charges and rejection of his request to drop the charges by ~~an~~ order dated 9-4-2001.

2. We have heard the learned counsel for the parties and perused the documents on record.

3. The applicant had filed an earlier application (OA 2476/97) which was disposed of by an order of the Tribunal dated 19-4-2000. Paragraph 11 of that order reads as follows :-

Yours

"11. In the result, the OA succeeds and is allowed. The impugned orders are quashed and applicant should be restored his increments with arrears. It will be open to respondents to proceed in the D.E. in accordance with law from the stage of supply of the brief details of evidence to be led by each of the PWs. These directions should be implemented within three months from the date of receipt of a copy of this order. No costs."

4. In the impugned order dated 7-11-2000, the respondents have also referred to the aforesaid order of the Tribunal. ^{They} have taken a decision that the Departmental proceedings instituted against him vide order dated 1-12-1992 shall be deemed to have been instituted under Rule 14 of the CCS (CCA) Rules, 1965 and to continue the same from the stage of supply of the brief details of evidence to be led by each of the prosecution witnesses as directed by the Tribunal. They have also stated that the same shall be concluded in accordance with the provisions contained in the CCS (CCA) Rules.

5. The main claim of the applicant is that the impugned orders should be ~~quashed~~ ^{quashed} and set aside with a direction to the respondents to withdraw the order of the disciplinary proceedings against him. The applicant has retired from service w.e.f. 31-1-2001 and, hence, his claim for retiral benefits.

6. Having regard to the Tribunal's order dated 19-4-2000 in OA 2476/97, we are unable to agree with the applicant's contention that the respondents should be ordered to withdraw the order of the disciplinary proceedings, issued by the respondents dated 7-11-2000. The judgement of the Hon'ble Supreme Court in Union of India vs. Upendra Singh

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(JT 1994 (1) SC 658) is also relevant. In the circumstances, the main claim of the applicant for direction to the respondents to withdraw the order of disciplinary proceedings is rejected.

7. However, considering the fact that the applicant has retired from service in January 2001 and the Departmental proceedings have been sought to be continued by the respondents by their order dated 7-11-2000, it would be necessary for the respondents to conclude the Departmental proceedings, within a stipulated period in accordance with law. Shri Sachin Chauhan, learned counsel has submitted that he would have no objection if a direction ^{is} given to the respondents to conclude the Departmental proceedings as expeditiously as possible for which he also undertakes that ^{the} applicant will fully co-operate failing which he has submitted that the disciplinary proceedings should be deemed to ^{have} been dropped.

8. In the facts and circumstances of the case, the OA is disposed of with the following directions :-

Respondents are directed to complete the Departmental proceedings mentioned in their order dated 7-11-2000, pertaining to the earlier order dated 1-12-1992, as expeditiously as possible in accordance with law and in any case within five months from the date of receipt of a copy of this order. It is needless to say that the applicant shall also fully co-operate in the proceedings so that the same may be

Yours

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completed within this period in accordance with law.

No order as to costs.

(Govindan S. Tampi)
Member (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

/vikas/