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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO.1572/2001

New Delhi, this the 22nd day of November, 2001

HON'BLE SH. V.K.MAJOTRA, MEMBER (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Shri Biman Basu, S/o Sh. B.B.Basu,
R/o 7UF, Safdar Hashmi Marg, New Delhi-110001.
Working as Scientist 'F' in the National Institute
of Science Communication, CSIR, Dr. K.S.Krishnan Marg,
New Delhi-110012. Applicant
(By Advocate: Sh. A.Bhattacharjee)

Versus

1. The Council for Scientific & Industrial Research, Ministry of Science & Technology, Govt. of India, Anusandhan Bhavan, Rafi Marg, New Delhi-110001, Through its Director General
2. The Director, NISCOM & Disciplinary Authority, NISCOM, CSIR, Ministry of Science & Technology, Govt. of India, Dr. K.S.Krishnan Marg, Pusa, New Delhi-110012.
3. Central Vigilance Commission, Government of India, Through Mr. Surjit Singh, Deputy Secretary, Central Vigilance Commission, Govt. of India, Satarkata Bhavan, GPO Complex, New Delhi-110023.
4. Mr. P.S.Khuntia, Commissioner of Departmental Inquiries (CDI), Inquiring Authority, Central Vigilance Commission, Govt. of India, Satarkata Bhavan, GPO Complex, New Delhi-110023. Respondents
(By Advocate: Sh. Manoj Chatterjee)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

This OA has been filed under Section 19 of the AT Act seeking following reliefs:-

- (i) Quashing of the advise of imposition of major penalty of "Compulsory Retirement" on the applicant rendered by respondent No.3 contained in Office Memorandum dated 19.3.2001 issued by respondent No.3 (Annexure-19 to this application) as malafide and illegal;

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(ii) Quashing of the Inquiry Report No. 05/04/12/2000 submitted by respondent No.4 herein (Annexure-15 to this application) as baseless, mala fide and unsustainable in law;

(iii) Quashing of the Articles of Charges and the Statements of Imputation of misconduct framed by respondent No.2 herein against the applicant contained in memorandum dated 23.8.98 (Annexure-9 to the application) as baseless, mala fide and vindictive;

(iv) command and direction upon respondents 1 and 2 to immediately restore the power and authority of the applicant as Scientist "F", withdrawn by the said respondents illegally and without any ground or reason;

(v) grant of damages in favour of the applicant and against the respondents for the false and baseless harassment, mental agony and dishonour meted out to the applicant by the respondents with malice and vindictiveness;

(vi) grant of costs of the present proceedings in favour of the applicant; and

(vii) such further or other order as deemed fit by this Hon'ble Tribunal.

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2. On perusal of the relief as claimed shows that the applicant has challenged the advice of the CVC and the enquiry report as well as the charge sheet issued to the applicant.

3. When this OA was filed an order was passed by this Court that any order passed subsequent to this shall be subject to the final outcome of the OA. But no stay with regard to the proceedings have been granted. However, subsequently the disciplinary authority had passed an order imposing a penalty of compulsory retirement upon the applicant. Thus, the chargesheet which was subject matter of this OA has culminated into the final order having passed by the disciplinary authority. The applicant has also filed an appeal against the orders passed by the disciplinary authority before the appellate authority which was filed on 16.7.2001. Appeal is still pending and have not yet been decided. In view of these circumstances, we find that it would not be appropriate for us to go into the details of the chargesheet and the advice given by the CVC on the subject the applicant has filed this OA because it will unnecessarily prejudice his appeal before the appellate authority. At this stage, interest of justice would be met if we direct the respondents to dispose of the appeal of the applicant within stipulated period.

4. Accordingly, we dispose of the OA with the directions to the respondents to dispose of the appeal of the applicant within a period of 2 months from the date of receipt of a copy of this order in accordance with law, instructions and judicial pronouncements on this subject and we further direct that till then the applicant shall not be dispossessed from

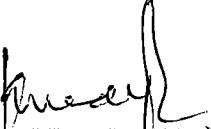
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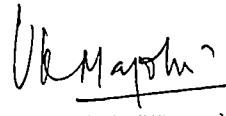
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the Government accommodation and if any relief still survives after the decision of the appeal applicant will be at liberty to approach the Court.

No costs.


(KULDIP SINGH)

Member (J)


(V.K. MAJOTRA)

Member (A)

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