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Central Administrative Tribunal, Principal Bench

Original Application No.1689 of 2001

New Delhi, this the 12th day of July, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. M.P. Singh, Member(A)

Shri S.M. Jain  
S/o Shri M.L. Jain  
R/o 101, Pratap Nagar  
Mayur Vihar Phase-I  
Delhi-91

- Applicant

(By Advocate: Shri S.K. Gupta)

Versus

1. Govt. of NCT of Delhi  
Through Chief Secretary  
I.G. Stadium, I.P. Estate  
New Delhi
2. Secretary  
Art and Culture (Archives)  
Govt. of NCT of Delhi  
7th Floor, I.G. Stadium  
I.P. Estate, New Delhi
3. Director  
Delhi Archives  
Room No.10  
Joint Secretary Education  
Old Secretariat, Delhi
4. Deputy Director (Archives)  
18-A, Satsang Vihar Marg  
New Delhi-67

- Respondents

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

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In respect of an incident which had taken place on 15.2.93, a prosecution under Section 7 and 13 of the Prevention of Corruption Act was lodged against the applicant. He was placed under suspension on 18.2.93 on the ground of contemplation of disciplinary proceedings against him. The aforesaid order of suspension was impugned by the applicant by instituting OA No.346/95 on the ground that though the order of suspension have been issued on the ground of contemplation of disciplinary proceedings, no disciplinary proceedings have been

initiated against him. The aforesaid OA was disposed of by an order of 10.5.95 containing the following directions:

- "(i) The Respondents shall, if they so choose, initiate disciplinary proceedings against the applicant by serving a charge-sheet on him within a period of 3 months;
- (ii) If disciplinary proceedings is not initiated by service of charge-sheet within the aforesaid period of 3 months, the impugned order of suspension of the applicant shall stand revoked; and
- (iii) If the disciplinary proceedings are not being initiated as stated above, it may yet be open for the respondents if such an action is found necessary in public interest to keep the applicant under suspension by an order invoking the powers under clause b of Sub Rule (1) of Rule 10 of CCS (CCA) Rules."

2. In compliance with the aforesaid order of the Tribunal, a chargesheet dated 20.6.95 was issued against the applicant which contained the following charges:

"Charge-I That on 15.2.93 while functioning as Assistant Archivist Grade-I in Delhi Archives Department, Govt. of NCT of Delhi, Shri S.M. Jain has been arrested red-handed, after he demanded, accepted and obtained Rs.200/- as illegal gratification from Shri Ramesh Chander S/o Shri Jaggan, Record Vacuum Cleaner of the same Department in consideration for forwarding his G.P.F. advance application to senior officers for sanction.

Charge-2 That Shri S.M.Jain's intention was not bonafide in forwarding G.P.F. advance application of Shri Ramesh Chander to senior officers for sanction."

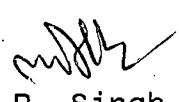
Applicant has submitted his representation against the same. Thereafter no steps whatsoever, have been taken in furtherance of the disciplinary proceedings till date.

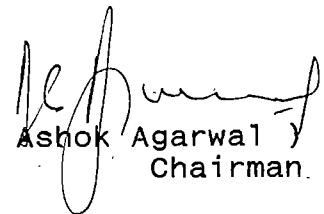
3. The prosecution under the Prevention of Corruption Act culminated by the judgement and order dated 23.12.2000 whereby the applicant has been acquitted on

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merits. After the aforesaid acquittal, applicant submitted his representation on 11.1.2001 and a reminder on 1.5.2001 claiming revocation of the suspension order as also the disciplinary proceedings. As far as the order of acquittal in criminal court is concerned, a decision has been taken by the Directorate of Vigilance not to impugn the said order by preferring an appeal. Moreover, no appeal has been filed till date. Though the copies of the aforesaid representations and reminders sent by the applicant are annexed at Annexure A-6 and A-7, no decision thereon has so far been given by second respondent.

4. Under the circumstances, we find that interest of justice would be duly met by disposing of the present OA at this stage itself even without issue of notice with a direction to respondent no.2 to decide and dispose of the aforesaid representations and reminders by communicating his decision by passing on a reasoned and speaking order to the applicant expeditiously and in any event within a period of one month from the date of receipt of a copy of this order. We direct accordingly.

  
( M.P. Singh )  
Member(A)

  
( Ashok Agarwal )  
Chairman.

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