

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

OA No.1760/2001

(S)

New Delhi, this the 20th day of September, 2001

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. M.P. SINGH, MEMBER (A)

Shri H.D. Patel,
S/o Shri D.K. Patel,
R/o Qr. No. 186, Sector-3,
R.K. Puram, New Delhi-110022.

... Applicant
(By Advocate: Shri Mukesh Kumar Gupta)

V E R S U S

1. Union of India
Through its Secretary
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi-110011.
2. Director General of Health Services,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi-110001.

... Respondents

ORDER (ORAL)

Justice Ashok Agarwal :

The facts of the present case have been stated in the earlier order passed on 19.7.2001, which are as under:-

"In respect of an incident that had taken place during 1980-81 a chargesheet had been issued to the applicant vide office memo of 22.2.1995. Apart from appointing enquiry officers no steps whatsoever have been taken in pursuance of the said chargesheet. The same is impugned herein on the ground of undue delay and latches. Applicant, in the circumstances, is being denied promotions which are legitimately due to him and his juniors are being promoted over and above him.

In view of the above grievance raised, we direct notices to issue on admission as also on the prayer for interim relief, returnable on 2.8.2001."

2. The applicant, in the instant case, has been charged with the following Article of charge:-

(Signature)

(2)

"That the said Shri B.D. Patel, while working as DADG (MS), GMSD, Gauhati, failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Government servant in as much as he unduly favoured M/s Bijoy Stores Trading Corporation, Gauhati, in purchase of solid Phenyl during 1980-81, contravening thereby the provisions of Rule 3.1(i), (ii) & (iii) of CCS (Conduct) Rules, 1964."

One Shri M.L. Meena, Assistant Director General (Stores), who is junior to the applicant and who had been issued similar charge for an identical Article of charge had moved the Chandigarh Bench of the Tribunal by instituting OA No.388/HR/96 for quashing of the chargesheet issued against him on the very same date, i.e., 22.2.1995. By an order dated 22.1.1997 the aforesaid OA was allowed on the ground of delay and latches and quashed the chargesheet dated 22.1.1995 with a direction to the respondents to consider the claim of the applicant, if any, for consequential reliefs which might have been withheld on account of pendency of the disciplinary proceedings.

3. Based on the aforesaid order of the Chandigarh Bench, the applicant submitted his representations on 24.2.1997 (Annexure A-5) and 23.7.1999 (Annexure A-7) for quashing of his chargesheet. Since there was no response to the aforesaid representations, he preferred appeals to the Minister of Health and Family Welfare on 10.9.1999, 30.9.1999 and 21.10.1999 (Annexure A-8 (Colly)). No response thereto has also been received. As far as the present OA is concerned, though the case has been adjourned on a couple of occasions, no appearance has been recorded on behalf of the respondents and consequently no reply has been filed in



(6)

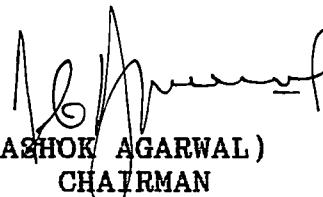
the present OA. On the other hand after service of the OA, the respondents have initiated the departmental proceedings against the applicant and the Enquiry Officer has fixed a date of preliminary hearing on 24.9.2001 (MA 2093/2001).

4. Having regard to the aforesaid facts and circumstances and following the aforesaid decision of the Chandigarh Bench of the Tribunal, we quash and set aside the impugned chargesheet issued vide Office Memorandum dated 22.2.1995 at Annexure A-1 and direct the respondents to grant consequential benefits, which would otherwise have accrued in his favour but for the pendency of the disciplinary proceedings, within a period of three months from the date of receipt of a copy of this order.

5. The present OA is allowed in the aforesated terms. MA No.2093/2001 also stands disposed of. No order as to costs.



(M.P. SINGH)
MEMBER(A)



(ASHOK AGARWAL)
CHAIRMAN

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