

Central Administrative Tribunal, Principal Bench

Original Application No.2300 of 2001

New Delhi, this the 4th day of September, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member(A)

Shri N.K. Jain s/o Shri Attar Singh Jain
R/o 2382-A, Narela Mandi
Delhi-40

- Applicant

(By Advocate: Shri Amit Rathi)

Versus

1. Union of India, through
Lt. Governor
Govt. of N.C.T. of Delhi
Raj Niwas Marg, Delhi-54
2. The Chief Secretary
Govt. of N.C.T. of Delhi,
5, Sham Nath Marg,
Delhi-54
3. The Commissioner,
Food, Supplies and Consumer Affairs,
Govt. of N.C.T. of Delhi
K-Block, Vikas Bhawan,
I.P. Estate, New Delhi-2
4. Dy. Director(HQ) Inquiry Officer
Dev. Department,
5/9, Under Hill Road,
Delhi-54

- Respondents

O R D E R(ORAL)

By Justice Ashok Agarwal, Chairman


Applicant had approached earlier this Tribunal by instituting OA No.487/2000 seeking to impugn an order of 17.2.99 passed by the revisional authority the Lieutenant Governor, whereby penalty of compulsory retirement imposed upon the applicant by the disciplinary authority and affirmed by the appellate authority, had been reduced to reduction in pay by three stages in the time scale of pay for a period of three years with cumulative effect. By an order passed on 9.3.2001, aforesaid OA was allowed by quashing the order of revisional authority of 17.2.99 and the matter was remanded back to the


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enquiry officer to proceed with the enquiry from the stage of affording the applicant a reasonable opportunity to cross-examine P.W.3 Shri R.K.Madan and thereafter pass appropriate orders in accordance with law. Aforesaid order was directed to be complied within a period of three months from the date of receipt of a copy of the order. Since respondents had failed to carry out the directions within the aforesaid period, applicant instituted a contempt petition filed vide diary no.7623, which is pending. Applicant has now been served with a memorandum of 2.8.2001 at Annexure A-1 in compliance with the aforesaid order of the Tribunal for proceeding with the disciplinary proceedings from the stage of granting opportunity to the applicant to cross-examine P.W.3 Shri R.K.Madan. Aforesaid memo is impugned by the applicant in the present OA by inter-alia contending that the period of three months as granted by the Tribunal has already expired.

2. We have heard Shri Amit Rathi, the learned counsel appearing in support of the OA and we find that interests of justice would be duly met by disposing of the present OA at this stage itself even without issue of notice by granting the enquiry officer a further period of three months to conduct and conclude the enquiry proceedings with a further direction that in case the same are not completed despite applicant co-operating in the proceedings, aforesaid disciplinary proceedings shall stand abated. We direct accordingly. Present OA is disposed of with the aforesaid directions.

Issue DASTI.


(V.K. Majotra)
Member(A)


(Ashok Agarwal)
Chairman

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