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Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 2319/2001

New Delhi this the 5th day of September, 2001

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

Dr. B.N. Mittal, Retd. Addl. Director General of
Health Services.
B-195, Ground Floor,
C.R. Park,
New Delhi-110019.

-Applicant

(By Advocate: Shri D.R. Gupta)

Versus

Union of India
through Secretary
to the Govt. of India,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi.

-Respondent

ORDER (Oral)

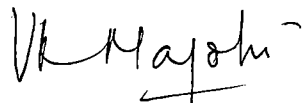
Justice Ashok Agarwal, Chairman

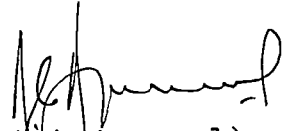
By the present OA, disciplinary proceedings initiated against the applicant by an order issued on 14.12.1999 at Annexure A-1 are impugned on the ground that the charges levelled pertain to a period prior to four years of the issue of the charge sheet and hence barred under the proviso 2 (b) (ii) to Rule 9 of the CCS (Pension) Rules, 1972.

2. We have perused the articles of charge as also the statement of imputation of misconduct contained in the charge sheet issued to the applicant and we are not satisfied that all the charges contained therein pertain to a period prior to four years from the date of issue of the charge sheet. Hence the aforesaid charge sheet cannot be successfully assailed at least at this juncture.

Ref

3. Present OA, in the circumstances, is dismissed in limine. It, however, goes without saying that it will be open to the applicant to agitate all the issues raised by him in the present OA, in disciplinary proceedings.


(V.K. Majotra)
Member (A)


(Ashok Agarwal)
Chairman

cc.