

7

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.3468/2001

This the 18th day of August, 2002.

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

H.C.Gupta S/O Devidas Gupta,
A.E.E/M (Retd.),
R/O 1-7/27, Sector 16,
Rohini, Delhi-85.

... Applicant

(By Shri M.K.Bhardwaj, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Defence,
Central Secretariat,
South Block, New Delhi.
2. Engineer-in-Chief,
E-in-C Branch, Army Headquarters,
Kashmir House, New Delhi-11.
3. Chief Engineer,
Western Command,
Chandimandir-134107.
4. Chief Engineer, Delhi Zone,
Delhi Cantt., Delhi.
5. C.W.E. (Utility),
Delhi Zone,
Delhi Cantt., Delhi.

... Respondents

(By Ms. Harvinder Oberoi, Advocate)

ORDER

Vide Annexure A-1 dated 5.1.2001 a chargesheet was served upon applicant under rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The allegation against him relates to sub-letting of government accommodation allotted to him. Applicant has sought the following reliefs :

- "a) to direct the respondents to conclude the enquiry proceedings initiated against the applicant within a reasonable period, i.e., three months from the date of filing of the OA.



14

- 2 -

- b) to direct the respondents to release the terminal benefits of the applicant, i.e., pension, commutation and gratuity with interest @ 18%.
- c) to award the costs of this application."

2. While respondents have not filed reply to the OA in spite of last opportunity granted to them, the learned counsel of respondents stated that official procedures have delayed filing of the reply. However, she filed copies of letters dated 17.7.2002 and 3.5.2002 and stated that she would argue the case without even filing the reply. Thus, arguments were heard.

3. At the outset, the learned counsel of respondents stated that applicant has sought plural remedies - one relating to departmental enquiry against him, and another relating to release of terminal benefits. The learned counsel of applicant immediately withdrew the remedy relating to release of terminal benefits and sought liberty to agitate the same separately. As such, the relief relating to release of terminal benefits is ordered to be deleted, with liberty.

4. Letters dated 3.5.2002 and 17.7.2002 submitted by the learned counsel of respondents indicate that the related departmental enquiry has been completed. The learned counsel supplemented that final orders could not be passed in view of the interim orders passed by this Tribunal on 2.1.2002 for maintenance of status quo till the disposal of this case. The explanation rendered by the learned counsel of respondents for not passing the final orders in the enquiry is satisfactory. Now that

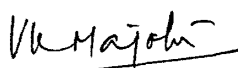
14



- 3 -

departmental enquiry has been completed and only final orders have to be passed, in my view interest of justice would be served if respondents are directed to pass final orders in the departmental enquiry against applicant within a period of one month of the receipt of these orders. Ordered accordingly. Interim orders dated 2.1.2002 will naturally stand vacated.

5. The OA is disposed of in the above terms.


(V. K. Majotra)
Member (A)

/as/