

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.359 of 2001

New Delhi, this the 21st day of September, 2001

HON'BLE MR. M.P.SINGH, MEMBER (A)

Capt. K.S. Malhotra,
S/o Late Shri P.S. Malhotra
Junior Staff Officer,
Directorate of Civil Defence
and Home Guards, Delhi.

... Applicant

(By Advocate: Shri M.C. Dhingra)

V E R S U S

1. Union of India,
Through Lt. Governor,
Raj Niwas, Delhi-54.
2. Delhi Administration,
through Chief Secretary,
5, Sham Nath Marg,
Delh-54.
3. Director General,
Home Guards-cum-Director
Civil Defence,
Nishkam Sewa Bhawan,
Directorate General of Home Guards
and Civil Defence,
Raja Garden, New Delhi.

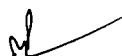
... Respondents

(By Advocate: Shri Rajender Pandita)

O R D E R (ORAL)

By filing this OA under Section 19 of the Administrative Tribunals Act, 1985, the applicant has sought relief by praying for direction to quash and set aside the order dated 25.7.2000 whereby the penalty of censure has been imposed upon the applicant.

2. The applicant is working as Junior Staff Officer under the Directorate General of Civil Defence and Home Guards, Delhi. While looking after the current duty charge of the post of Commandant (CTI), he was issued a chargesheet stating that he wilfully avoided to apprise



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(2)

the board of appointment constituted for appointment to the post of Additional Commandants and Battalion Commanders, to which he was one of the members of the appointment board, of the fact that there was no provisions under the Bombay Home Guard Act, 1947 as extended to the Union Territory of Delhi, Delhi Home Guard Rules, 1959 and Compendium of Instructions 1993, issued by the Ministry of Home Affairs, Govt. of India, for the appointment of Additional District Commandants and Battalion Commanders in Delhi Home Guards Organisation and as a result of which the appointment board, in their meeting held on 29.6.1998 and 30.11.1998, selected some of the persons against these posts and subsequently, the Director General, Home Guard vide an order dated 1.7.1998 and 1/2.12.1998 made appointments against these posts. However, these irregular appointments were subsequently quashed by Lt. Governor, Delhi. The applicant submitted his representation against the aforesaid chargesheet issued to him by the respondents. The disciplinary authority after taking into consideration his representation and other relevant material available on record passed an order dated 25.7.2000 whereby imposing the penalty of censure upon the applicant. The applicant filed an appeal against the aforesaid order of disciplinary authority to appellate authority on 15.8.2000. Thereafter he has sent a number of reminders to the respondents to decide his appeal but the respondents have not yet been decided the appeal of the applicant. Aggrieved by this, he has filed the present OA on 13.2.2001 claiming the aforesaid relief.




(3)

3. Heard both the learned counsel for the rival
contesting parties at length and perused the record.

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4. The aforesaid appeal filed by the applicant against the order of the disciplinary authority is a statutory provision under the CCS (CCA), Rules, 1965. Hence, it would be in the fitness of things if the respondents are directed to decide the appeal within a time frame, as the applicant is retiring from service on 31.10.2001 as stated by the learned counsel for the applicant. Accordingly, the respondents are directed to decide the appeal of the applicant by passing a detailed, reasoned and speaking order within a period of four weeks from the date of receipt of a copy of this order.

5. The present OA is disposed of with the aforestated directions. No costs.


(M.P. SINGH)
MEMBER(A)

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