

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.581/2001

New Delhi, this 12th day of July, 2001

Honble Shri Justice Ashok Agarwal, Chairman  
Honble Shri M.P.Singh, Member(A)

Mange Ram Gupta  
D-673, DIZ Area  
Gole Market, New Delhi

.. Applicant

(By Shri M.K. Gupta, Advocate)

versus

Union of India, through

1. Secretary  
Ministry of Urban Development  
Nirman Bhavan, New Delhi
2. Director of Printing  
M/Urban Development  
Nirman Bhavan, New Delhi
3. Manager  
Govt. of India Press, Minto Road, New Delhi
4. Shri A.K.Mukopadhyay  
Inquiry Authority/Dy. Manager  
Govt. of India Press, Minto Road  
New Delhi

.. Respondents

(By Shri K.C.D. Gangwani, Senior Advocate)

ORDER(oral)

By Shri M.P. Singh

Applicant has filed this OA challenging the order dated 28.6.2000 whereby R-2 has remitted the case back to the disciplinary authority for conducting further inquiry. The applicant is working as UDC in the Govt. of India Press, Minto Road. Disciplinary proceedings were initiated against him and the Inquiry Officer has held that the charge has not been proved. Based on the report of the IO, disciplinary authority vide its order dated 16.12.98 dropped the proceedings. However by order dated 13.4.99/18.5.99, R-2 referred back the case to R-3 for conducting de-novo inquiry, and R-3 issued order on 22.6.99 appointing IO for conducting de-novo enquiry against the applicant. These orders were challenged by



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the applicant in OA No.1481/99, which was disposed of by this Tribunal by order dated 23.12.99 and the orders dated 13.4.99/18.5.99 and 22.6.99 were quashed and set aside. The Tribunal however held that "It will be open to the respondents to take further action in accordance with law and rules if so advised". Thereafter, R-2 issued the order dated 28.6.2000 remitting the case back to the disciplinary authority for conducting further enquiry, which is under challenge in the present OA. Applicant has placed reliance on Rule 29 of CCS(CCA) Rules, 1965 which provides that "the appellate authority can remit the case to the authority which made the order or to any such other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case or pass such other orders as it may deem fit within a period of six months of the date of the order proposed to be revised".

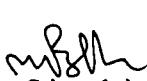
2. We find from the records that order for dropping the charge was passed on 16.12.98. Reviewing authority ordered for denovo inquiry vide orders dated 13.4.99/18.5.99 and by order dated 22.6.99 appointed the IO for conducting denovo inquiry. These orders were quashed and set aside by this Tribunal in its judgement dated 23.12.99 in OA No.1481/99. The present impugned order was passed on 28.6.2000, i.e. more than six months from the date of the order of the Tribunal which was passed on 23.12.1999. It is against the provisions contained in Rule 29 of CCS(CCA) Rules, 1965 (supra). Therefore the order dated 28.6.2000 cannot be sustained in the eyes of law.

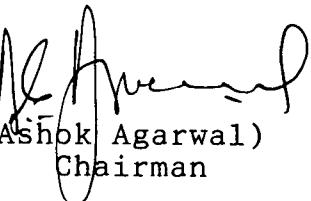
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3. However, learned counsel for the respondents submitted that the Tribunal's judgement dated 23.12.99 was despatched by the Registry on 30.12.99. He also submitted that the respondents have taken the decision on file on 24.5.2000 to conduct further enquiry but the formal order could be passed only on 28.6.2000. The date of decision taken by the respondents on file in this case is not relevant. What is relevant in this case is the date of issue of formal order, which was issued on 28.6.2000 only. The learned counsel further submitted that six months are to be counted from the date a copy of the judgement was despatched by the Registry i.e. 30.12.99. This contention also cannot be accepted as six months are to be counted from the date of passing the order for conducting further enquiry.

4. In view of the above position, this OA is allowed and the impugned orders dated 28.6.2000 and 2.8.2000 are quashed and set aside. No costs.

  
(M.P. Singh)  
Member(A)

  
(Ashok Agarwal)  
Chairman

/gtv/