

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELH

OA 1481/99

(7)

New Delhi this the 23rd day of December, 1999

Hon'ble Shri S.R. Adige, Vice Chairman (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Mange Ram Gupta,
S/O Lt. Sh. Tika Ram,
R/O D-675, DIZ Area, New Delhi-1

.. Applicant

(By Advocate Sh. M. K. Gupta)

versus

1. Union of India through its
Secretary, Ministry of Urban
Affairs & Employment, Nirman Bhawan,
New Delhi.

2. Director of Printing,
'B' Wing, Nirman Bhawan,
New Delhi.

3. Joint Director (Technical)
Govt. of India Press, Minto Road,
New Delhi.

4. Sh. K. Mohan Rao,
Asstt. Manager (Admn.),
Enquiry Officer, Govt. of India
Press, Minto Road, N/Delhi-2

.. Respondents

(By Advocate Shri S. M. Arif)

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Vice Chairman (A))

Applicant impugns the respondents orders dated 13/18-5-99
as well as order dated 22.6.99 (Annexure A-1)

2. Shortly stated that the applicant was charge sheeted
vide order dated 17.2.1997. The Inquiry Officer after conducting
the inquiry submitted his report holding the charges as not
proved against the applicant. The Disciplinary Authority on
the basis of the said inquiry report dropped the charges
levelled against the applicant vide order dated 16.12.1998.
However, as per the reply of the respondents, the Director of
Printing, being the Reviewing Authority called for the records
and opined that the Inquiry was not held as per procedure

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and therefore the orders for de novo enquiry was issued vide order dated 13-4-99/ ~~and~~ 18.5.99.

3. we have heard applicant's counsel Shri Gupta and respondents counsel Shri Arif.

4. Shri Gupta has invited our attention to the order of the Hon'ble Supreme Court in Som Nath Sharma Vs.UOI (1994(27)ATC 771 wherein it has been that while further enquiry is permissible in accordance with Rule 29 of the CCS(CCA) Rules, 1965, de-novo enquiry is not permissible. This view has been reiterated by the Tribunal in recent order dated 15.12.99 in OA 1661/94(S.M.Bhaskar Vs.UOI & Ors), which itself has relied upon various judgements of the Hon'ble Supreme Court as well as of the Kerala High Court.

5. In the light of the above, the impugned orders cannot be sustained in law. Accordingly OA is succeeds and is allowed to the extent that the impugned orders dated 13.4.99/ ~~and~~ 18.5.99 and 22.6.99 are quashed and set aside. It will be open to the respondents to take ~~any~~ further action in accordance with law and rules if so advised. No costs.

Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)
Member (J)

Adige
(S.R. Adige)
Vice Chairman(A)