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Central Administrative Tribunal
Principal Bench

O.A.No.1804/99

Hon'ble Shri Justice V. Rajagopala Reddy, VC (J)
Hon'ble Shri. Shanta Shastry, Member (A)

New Delhi, this the 28th day of March, 2000

Shri Mahavir Singh
s/o Shri Ramjilal
r/o C/o 303, Bagh Karekhan
Kishanganj
Delhi - 7.

... Applicant

~~(Applicant in person)~~

Vs.

1. Union of India through
Lt. Governor
Raj Niwas
Delhi.
2. Chief Secretary
5, Sham Nath Marg
Delhi - 110 054.
3. Shri D. R. Tanta
Inquiry Officer
Dy. Commissioner
Weights & Measures
2, Underhill Road
Delhi - 110 054.

.. Respondents

(By HC R.P. Sharma, DSW, Departmental Representative
on behalf of the respondents).

O R D E R (Oral)

By Reddy- J.

Neither counsel for the applicant nor counsel for the respondents is present. Heard the applicant, who is present in person. Shri R.P. Sharma, Head Constable, departmental representative is present in person.

2. The applicant, while in service, was served with a charge-sheet dated 2.7.1997 under Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 on the allegation that he sat in the office of the Food & Supplies Officer beyond office hours on 23.5.1996, he was found to have

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an access to the official records of the Circle on that day without the order/approval of the higher authorities. As the applicant denied the charges, an enquiry under the above Rule was initiated. In the meanwhile, the applicant has been retired from service on 31.5.1997. It is the grievance of the applicant that though he has retired from service more than two years back, the enquiry is still pending. The applicant was not paid the pensionary benefits.

3. The Tribunal, considering the facts and circumstances of the case, directed the respondents to pay the provisional pension pending further orders in the OA. Accordingly, it is stated that the applicant was paid the provisional pension.

4. In the reply it is stated that the enquiry has been delayed on the ground that one of the witnesses is abroad. In our view, the enquiry cannot be delayed indefinitely on the said ground as the enquiry has been started in July, 1997, it ought to have been completed within a period of six months. The applicant is now retired and the enquiry initiated in 1996 is yet to be completed. The explanation given by the respondents for non-completion of the enquiry is wholly untenable and unsustainable.

5. In the circumstances, we direct the respondents to complete the enquiry and pass final order within a period of three months from the date of receipt of a copy of this order. If this order is not

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complied with, the enquiry shall be deemed to have been abated and the charges levelled against the applicant stand quashed.

6. With the above directions, the OA is disposed of. No costs.

Shanta J.

(SMT. SHANTA SHASTRY)
MEMBER(A)

V. Rajagopala Reddy

(V. RAJAGOPALA REDDY)
VICE-CHAIRMAN(J)

/rao/