

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

72

OA 1902/99

New Delhi this the 9th day of February, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Sh. S. K. Singh  
S/O late Shri Ram Lagan Singh Yadav  
Retd. Sub Inspector (L.S. 7278)  
O/O D.E.CPM(S) New Delhi resident  
of New Delhi

address for service of notices C/O  
Shri Sant Lal, Advocate, C-21 (B)  
New Multan Nagar Delhi-110056

... Applicant

(By Advocate Shri Sant Lal )

Versus

1. The Union of India, through the  
Secretary, Ministry of Communications,  
Dept. of Telecom., Sanchar Bhawan,  
New Delhi-110001

2. The Chief General Manager (Maintenance),  
Northern Telecom Region (NTR)  
Kidwai Bhawan, New Delhi-110050

3. The Divisional Engineer CPM(S),  
MTNL, K-2, Jhandewalan Extn.,  
New Delhi-110055

... Respondents

(By Advocate Sh. V. K. Rao, learned counsel  
through proxy counsel Ms. Geetanjali Goel)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

This application has been filed on 30.8.99 in which one of the main prayers sought by the applicant was that a direction may be given to the respondents to decide the disciplinary case which is stated to be pending against the applicant for more than four years within a period of three months, failing with the proceedings should be treated as dropped.

2. Ms. Geetanjali Goel, learned proxy counsel for the respondents has submitted that by the Tribunal's order dated 22.11.99 which dealt with the interim order prayed <sup>for</sup> by the applicant, the relevant facts have been noted. It was further directed in that order that the applicant shall be paid provisional pension as per Rule 69 of the Pension Rules, 1972 and payment shall be made within eight weeks.

8

According to the learned counsel the necessary instructions to the payment authorities have been made, although Shri Sant Lal, learned counsel submits that no payment has been made to the applicant in terms of the aforesaid Tribunal's order dated 22.11.99.

3. On the main reliefs mentioned in para 1 above, it is noted that the department had initiated major penalty proceedings by issuing charge-sheet to the applicant on 24.2.1994. The Enquiry Officer had submitted his report as far back as 28.8.95, to which applicant had also given his representation on 3.11.1995. Applicant has retired from service on superannuation on 31.8.95. Admittedly, till date the respondents-disciplinary authority has not taken any decision in the matter of disciplinary proceedings which has been pending against the applicant for nearly six years. In the circumstances, I find force in the submissions made by Shri Sant Lal, learned counsel that the respondents have unnecessarily prolonged the disciplinary proceedings which have been pending against him for several years on which the retiral benefits are hinged.

4. Taking into account the facts and circumstances of the case, the OA is accordingly disposed of with the following directions:-

(i) Respondents-Disciplinary authority is directed to take an appropriate decision in accordance with law, in the disciplinary proceedings pending against the applicant within a period of four months from the date of receipt of a copy of this order. As sufficient reasons have not been given by the respondents as to why the disciplinary proceedings have been kept pending for this long period, it is made clear that if the decision by the competent authority as mentioned above is not taken within four months as mentioned above, it shall be presumed that they are not interested in taking the decision and the disciplinary proceedings shall be deemed to have been dropped.

(ii) Respondents should also ensure that in the meantime the Tribunal's order dated 22.11.99, namely, for payment of the provisional

pension to the applicant shall also be complied with fully within one month from the date of receipt of a copy of this order. Consequential benefits of the appropriate order of the competent authority will thereafter <sup>follow</sup> ~~is~~ in accordance with the relevant rules and instructions. No order as to costs.

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

Sk