

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 2285/99

New Delhi: this the 1st day of ~~August~~ ^{September}, 2000. (12)

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. KULDIP SINGH, MEMBER (J)

D. P. Gautam,

S/o Shri Badri Prasad Gautam,

R/o J-428, Kasturba Nagar,
New Delhi-3

.....Applicant

2. Shri A. K. Sharma,

S/o Satya Dev Sharma,

R/o LP, 43-C, Pritampura,
near Gopal Mandir,

T.V. Tower,
New Delhi.

3. Shri S. C. Tupte,

S/o Sh. Changdeo Tupte,

R/o A-299, Sector 9,

New Vijaynagar,
Ghaziabad (UP)

(All working as J.E. (E)

under Respondent No. 3)

.....Applicants.

(By Advocate: Shri T. C. Agarwal).

Versus

Union of India

through

1. The Director General,

AIR, Akashvani Bhawan,

Parliament Street,

New Delhi-1.

2. The Chief Engineer,
Civil Construction Wing,

(D.G. of AIR),

PTI Building-2nd Floor,
Parliament Street,

New Delhi-1.

3. The Superintending Surveyor of Works (E),
Civil Construction Wing (AIR),

6th Floor, Loknayak Bhawan,

New Delhi.

.....Respondents.

(By Advocate: Shri H. K. Gangwani)

ORDER

MR. S. R. ADIGE, VC (A)

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Applicants impugn the charge memo dated 12.5.97 (Annexure-A3) and respondents' letter dated 12.5.97 (Annexure-A2) communicating the article of charge, praying that they be quashed and set aside, with costs.

2. Applicants are being proceeded against departmentally under Rule 14 CCS(CCA) Rules on the charge of failing to exercise proper supervision which resulted in the purchase of substantial and spurious electrical materials valued at Rs. 202.05 lakhs during the period 1988-89 and 1989-90.

3. We have heard both sides.

4. On behalf of applicants, it has been urged that the charge sheet is vague and highly belated, and applicants who were merely J.Es at that time were not responsible for quality verification. It is asserted that the Disciplinary Authority by his order dated 5.10.99 (Annexure-A1) had himself ordered that the enquiry be deferred in view of the long delay that had occurred in the conducting of the of the disciplinary proceedings. Reliance in this connection has been placed as an order of CAT Chandigarh Bench dated 5.5.99 in OA No. 872/PB/98 BM Mittal Vs. UOI & Ors as well as on the Hon'ble Supreme Court's ruling in State of U.P. Vs. V.N. Radhakrishnan 1998 SCC (L&S) 1044, & State of M.P. Vs. Bani Singh (1991) 16 ATC 514.

5. Respondents urge that the disciplinary proceedings

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should not be interfered with at this stage.

6. We note from respondents reply that the delay in ~~going~~^{going} ahead with the Disciplinary proceedings is not unexplained. It has been averred that due to involvement of other senior officers it had initially been proposed for combined proceedings, but later a decision was taken that the case would be heard as simultaneous but separate proceedings to enable the defaulter to be better able to defend themselves.

7. A perusal of the charge sheet reveals that the charges against applicants are serious in nature. In somewhat similar circumstances, the Hon'ble Supreme Court in Secretary to Govt., Prohibition & Excise Deptt. Vs. L. Srinivasan JT 1996(3) SC 202 observed that collection of material to support the charge sheet in cases involving corruption required time and their Lordships came down heavily on the Tribunal for quashing the chargesheet ~~only~~ on grounds of delay.

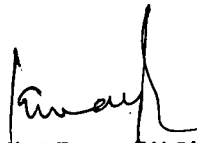
8. In so far as the charges themselves are concerned, applicants will get full opportunity as provided under rules and instructions to challenge the same on grounds of vagueness, or any other grounds, during the course of the disciplinary proceedings and to defend their conduct in regard to the purchases.

9. Under the circumstance, the impugned charge sheet warrants no judicial interference at this stage

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and the OA is dismissed. No costs.

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(KULDIP SINGH)
MEMBER (J)


(S.R. ADICE)
VICE CHAIRMAN (A)

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