

Central Administrative Tribunal, Principal Bench

Original Application No. 2539 of 1996

New Delhi, this the 24th day of May, 2000

Hon'ble Mr. Justice Ashok Agarwal Chairman  
Hon'ble Mr. V.K. Majotra, Member (Admnv)

M.C. Agarwal, Retd. Asstt. Engineer (CPWD),  
R/o WP-509, Village Wazirpur, Ashok Vihar  
Delhi-110052. - Applicant

(None for the applicant)

Versus

1. Union of India through Secretary, Ministry of Urban Development, New Delhi.
2. Director General of Works, CPWD, New Delhi. - Respondents

(By Advocate Shri S.K. Gupta through proxy counsel  
Ms. Richa Goel)

O R D E R (Oral)

By Justice Ashok Agarwal, Chairman.-

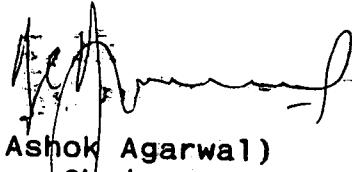
The applicant who appears in person has been consistently absenting <sup>himself</sup>. He was absent on 14th March, 2000, he was absent on 25th April, 2000 and he is absent today also. Present OA is accordingly <sup>being</sup> disposed of in his absence on merits under Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

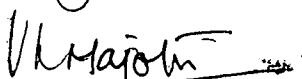
2. Disciplinary proceedings were initiated against the applicant by issue of a charge-sheet dated 22nd May, 1989 when the applicant was serving as Assistant Engineer Civil. Pending the disciplinary proceedings applicant retired on superannuation on 31st May, 1993. By a representation dated 26th March, 1998 the applicant prayed that he should be taken back in service from the date of his retirement on 31st May, 1993 with consequential benefits including promotion as Executive Engineer. By the impugned order passed on 8th May, 1998 he has been informed that under provisions of Rule 9 of the Central Civil Services (Pension) Rules,

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1972 the disciplinary proceedings which are being continued as legal and justified. He was further informed that since he has also retired from Government service after attaining the age of superannuation, there can arise no question for his being reinstated back in service.

3. The disciplinary proceedings we find are practically complete and respondents are at the stage of seeking advice of the UPSC. In the circumstances, we find that the present OA which has been filed at an interlocutory stage does not deserve to be entertained at least at the present stage. The same is accordingly dismissed. We, however, direct that the disciplinary proceedings should be concluded expeditiously and in any event within a period of three months from the date of the service of this order. No order as to costs.

  
(Ashok Agarwal)  
Chairman

  
(V.K. Majotra)  
Member (Admnv)

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