

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 389/99

New Delhi : this the 31st day of MAY, 2000.

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

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

Dr. (Mrs) P. L. Singh,
W/o Shri C. P. Singh,
R/o C-17, Rashmi Apartments,
Harsh Vihar, Pitampura,
Delhi-34

....Applicant.

(By Advocate: Shri Anil Agarwal)

Versus

The Employees State Insurance Corporation,
through its Director General,
Panchdeep Bhawan,
Kotla Road,
New Delhi

....Respondents.

(By Advocate: Shri G. R. Nayyar)

ORDER

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

Applicant impugns the charge sheet dated 15.2.94 and the order dated 21.5.98 (Annexure-A) appointing the Inquiry Officer; the order dated 21.5.98 (Annexure-B) appointing the Presenting Officer, the order dated 12.6.98 (Annexure-C) ordering common proceedings and the order dated: Jan, 1999 informing her that her final pensionary benefits will be settled only after conclusion of the D.E. against her. She prays for release of all pecuniary benefits along with compensation, interest and costs.

2. Applicant is being proceeded against departmentally vide charge sheet dated 15.2.94 for a major penalty in regard to serious irregularities in the purchase and supply of medicines by the Central Medical Store at Basaidarapur. Applicant was

12

assigned duties as Stores Manager of the aforesaid Medical Store during the period 31.1.92 to 17.9.93. Proceedings for major or minor penalties were initiated against 4 other officers also in regard to the above irregularities, and common proceedings are being conducted. Proceedings against one of the officers namely Dr. Harmohinder, Director (Medical) Delhi were subsequently dropped, but proceedings against the remaining 3 officers are still continuing.

3. In the grounds taken by applicant, she has urged that

- i) that the impugned order dated 21.5.98 initiating disciplinary proceedings against applicant by appointment of an E.O is violative of Rule 9 CCS (Pension) Rules because the allegations pertain to a period more than 4 years prior to applicant's date of retirement on 30.4.98
- ii) She is being discriminated against because while the DE against Dr. Harmohinder has been dropped, the DE against her is still continuing.
- iii) the joint inquiry being conducted against her along with other employees is illegal and arbitrary.
- iv) the denial of release of retiral benefits to her is violative of the principles of natural justice.

4. We have considered these grounds carefully.

5. As regards ground (i) above, the DE can be said to have been instituted with the issue of the charge sheet dated 15.2.94. The irregularities pertain

2

14

to applicant's tenure from 31.1.92 to 17.9.93. Clearly the proceedings are not hit by Rule 9(1) CCS (pension) Rules. Hence this ground fails.

6. As regards ground (ii), applicant cannot complain of being discriminated against merely because respondents have subsequently decided not to proceed against one of its employees.

7. As regards (iii) above, a joint inquiry is permitted under rules.

8. As regards (iv) above, retiral benefits cannot be released during the pendency of the disciplinary proceedings.

9. Under the circumstance, no interference is warranted in the DE at this stage. The authorities concerned are called upon to complete the DE as expeditiously as possible in accordance with rules and instructions, in which applicant should fully cooperate.

10. Subject to what has been stated in para 9 above, the OA is dismissed. No costs.

Kuldip Singh
(KULDIP SINGH)
MEMBER (J)

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

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