

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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O.A. No. 82/99

New Delhi this the 31st day of May 1999

Hon'ble Shri S.R. Adige, Vice-Chairman (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri S.K. Mittal,
S/o late Shri M.L. Mittal
R/o 24 Raj Nagar,
Delhi- 110034.

...Applicant

(By Advocate: Shri Sohan Lal)

Versus

1. Union of India,
through its Secretary,
Ministry of Urban Affairs & Employment,
Nirman Bhawan, New Delhi-11.
2. Director-General of Works,
Central Public Works Deptt.,
Nirman Bhawan,
New Delhi-11.

...Respondents

(By Advocate: Shri K.R. Sachdeva)

ORDER

By Hon'ble Shri S.R. Adige, Vice-Chairman (A)

Applicant seeks quashing of respondents' order dated 22.8.97 (Annexure-P-1) initiating a D.E. against him and prays for release of retirement benefits with interest @ 18% per annum thereon and other consequential benefits.

2. Heard both sides.

3. Applicant's counsel has assailed the impugned order dated 22.8.97 principally on grounds of lack of evidence.

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4. The question whether there is sufficient evidence to establish the correctness of the charges against the applicant is a matter to be determined during enquiry. It is not something on which the Tribunal can come to a finding particularly at the present interlocutory stage, when the enquiry is still in progress.

5. In U.O.I. Vs. Upendra Singh (1994) 27 ATC 200 the Hon'ble Supreme Court has held that

" the Tribunal or Court can interfere only if on the charges framed (read with imputation or particular of charges), no misconduct or irregularity can be said to have been made out or the charges framed are contrary to any law. At this stage the Tribunal has no jurisdiction to go into the correctness of the charges. The Tribunal cannot take over the functions of disciplinary authority. The truth or otherwise of the charges is a matter for the disciplinary authority to go into."

6. In the light of the above the preliminary objection of respondents' counsel that the O.A. is pre-mature is sustained, and the O.A. warrants no judicial interference at this stage.

7. However, as applicant has retired on superannuation on 30.4.98 we call upon respondents to conclude the D.E. in accordance with rules and

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instructions as expeditiously as possible and preferably within six months from the date of receipt of a copy of this order in which applicant should also fully cooperate.

8. The OA is disposed of in terms of paras 6 and 7 above. No costs.

Lakshmi Swaminathan
(SMT. LAKSHMI SWAMINATHAN)
MEMBER (J)

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

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