

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

D.A. No. 364/98

New Delhi: this the 16th day of May, 2000.

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

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

Dr. Murari Lal,
S/o Late Shri Saktoo Singh,
R/o 3, Atta-Ur-Rehman Lane,
Civil Lines,
Delhi-54

.....Applicant.

(By Advocate: Shri P.P. Khurana)

Versus

Lt. Governor,
Govt. of NCT of Delhi,
Raj Niwas,
Delhi-54

.....Respondents.

(Ms. Jasvinder Kumari, Litigation Inspector)

ORDER

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

Applicant prays for quashing and setting aside of the Charge Memo dated 28.10.96 (Annexure-A1) by which he has been charged that while functioning as Project Officer (IADP) in the Development Department during 1982-83 he committed gross misconduct in as much as he failed to exercise effective and proper supervision and control over the activities of Mall Road Petrol Pump which ultimately resulted in shortage of petrol, diesel causing huge loss to the Govt. exchequer.

2. Applicant has challenged the impugned charge memo on various grounds including (i) inordinate, unreasonable and unexplained delay in initiating the departmental proceedings (ii) non-progress in the conduct of the proceedings beyond appointment of the Inquiry Officer and the Presenting Officer (iii) Non-supply of copies of listed documents (iv) non-application of mind while framing the charge memo (v) vagueness and lack

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of material particular in the charge (vi) absence of mention in the charge memo of violation of any rule or instruction (vii) the charge memo being the product of a preliminary inquiry which had been conducted by an officer junior to applicant himself (viii) other officers involved in the same transaction have also been chargesheeted by charge memo of the same date, but no orders have been passed for holding common proceeding under Rule 18 CCS (CCA) Rules.

3. Respondents in their reply challenge the OA. They state that apart from appointment of I.O. and the Presenting Officer, hearings in the disciplinary proceedings have commenced on 3.12.97. They deny the grounds taken by applicant and urge that the OA warrants no interference.

4. We have considered the matter carefully.

5. There can be no doubt that the disciplinary proceedings have been badly delayed. However for that reason alone we hold that we would not be justified in interdicting those proceedings at this stage. In so far as the other grounds are concerned, it is open to applicant to urge any or all of them before the Disciplinary authority who would be required to apply his mind to each of them if and when raised in accordance with law. What is necessary is that the disciplinary proceedings be concluded without any further loss of time.

6. Accordingly we dispose of the OA with a direction to respondents to proceed with the DE in accordance with law such that it is concluded within 4 months from the date of receipt of a copy of this order, in which

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applicant should also fully cooperate.

7. The OA is disposed of in terms of para 6 above. No costs.

Kuldip Singh
(KULDIP SINGH)
MEMBER (J)

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

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