

Central Administrative Tribunal  
Principal Bench

O.A.No.368/98

Hon'ble Mr. Justice K.M.Agarwal, Chairman  
Hon'ble Shri R.K.Ahooja, Member(A)

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New Delhi, this the 25th day of March, 1998

Dr. Girish Tayal  
Professor and Head of the  
Department of Pharmacology  
Lady Hardinge Medical College  
New Delhi.

Applicant

(By Shri Mari Arputham, Advocate)

Vs.

1. Union of India  
represented by the Secretary  
Department of Health  
Ministry of Health & Family Welfare  
Nirman Bhawan  
New Delhi - 110 011.

2. Dr. (Smt.) S. Prabhu  
Prof. of Pharmacology  
Maulana Azad Medical College  
New Delhi.

3. Dr. (Smt.) Uma Goel  
Prof. of Obst. & Gynae  
Lady Hardinge Medical College  
New Delhi.

4. Dr. (Smt.) Kamla Sharma  
Prof. of Obst. & Gynae  
Maulana Azad Medical College  
New Delhi.

5. Dr. (Smt.) Krishna Deswal  
Prof. of Physiology  
Maulana Azad Medical College  
New Delhi.

... Respondents

(By Shri P.H.Ramchandani, Advocate for Respondent No.1)  
(By Shri D.K.Nag, Advocate for Respondents No.2 and 4)  
(None for Respondent No.3 and 5)

O R D E R (Oral)

Hon'ble Mr. Justice K.M.Agarwal, Chairman

Respondents No.3 and 5 are not served and are also not represented. Also service may not be presumed against Respondents No.3 and 5, in view of the fact that the notice, by Registered Post, only sent on 2.3.1998.

The case may be taken up and disposed of because their

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appearance does not appear to be necessary at this stage because we are thinking to make certain orders which may not be considered prejudicial to their interests. (4)

2. As pointed out in our earlier ordersheet dated 19.2.1998, we consider it just and proper to fix a time limit for concluding the enquiry and/or disciplinary proceedings after notice to the parties. We are of the view that this nature of orders can be passed in this OA even in the absence of Respondents No.3 and 5.

3. It appears that although considered, the applicant's result was not declared and kept in sealed cover because of the pendency of departmental enquiry which is going on since December, 1996. Under these circumstances, we are of the view that this OA may be disposed of by directing Respondent No.1 to complete the enquiry within a specified time. However, the learned counsel for the first respondent submitted that the delay has occurred because the applicant wanted inspection of as many as 19 documents. Respondent No.1 is prepared to allow inspection but he requires some time and if the applicant cooperates, the records would be made available to him as early as possible. He also submitted that a period of six months would be sufficient to complete the enquiry and to pass proper orders provided, the applicant cooperates and does not adopt the delaying tactics.

4. In the facts and circumstances of the case, we dispose of this OA by directing the first respondent to complete the pending disciplinary proceedings against the applicant within a period of six months from the date of

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receipt of a copy of this order. We hope and trust that the applicant shall cooperate with the enquiry proceedings and shall do no such act as may result in delaying the progress of the enquiry. We make it clear that if it is shown that the applicant was responsible for delaying the enquiry to our satisfaction we may be inclined, on an application being made to that effect., to extend the period hereinabove fixed for conclusion of the enquiry. Similar hope and trust that the first respondent will make sincere efforts to conclude the enquiry within the specified time and if it is shown that they have deliberately delayed the conclusion of the enquiry, on such satisfaction we may be inclined to quash further proceedings of the enquiry. Accordingly, this OA is disposed of.

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(K.M.Agarwal)  
Chairman

R.K.Ahooja

(R.K.Ahooja)  
Member (A)

/rao/