

Central Administrative Tribunal  
Principal Bench

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OA No. 1322/95

(9)

New Delhi, this the 22nd day of March, 1996

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)  
Hon'ble Shri R.K.Ahooja, Member (A)

Shri N.S.Bhatnagar,  
r/o 12/111, Dev Nagar,  
Karol Bagh, New Delhi-5. ....Applicant  
(By Shri C.Hari Shanker, Advocate)

Versus

1. Govt. of N.C.T. of Delhi,  
through its Chief Secretary,  
5, Sham Nath Marg,  
Delhi- 110 054.
2. The Deputy Secretary (Vigilance)  
Directorate of Vigilance,  
Govt. of NCT of Delhi,  
Room No. 178-184, Old Sectt.,  
Delhi - 110 054. .... Respondents

(By Shri Vijay Pandita, Advocate)

O R D E R (Oral)

By Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)

1. The grievance of the applicant, who retired on superannuation on 31.10.1990 as a Cashier from Maulana Azad Medical College, is that though the disciplinary proceedings against him commenced on 3.2.1987 while he was in service even now a final order thereon has not yet been passed with the result that the applicant is denied his full retiral benefits. Under these circumstances, the applicant has filed this application for a direction to the respondents that a final order be passed in the disciplinary proceedings within a period of one month or within such time as deemed fit and proper in the circumstances of the case, by the Tribunal.

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2. The respondents in their reply contended that the enquiry report was received on 26.6.1990, the matter has been referred to the Ministry of Home Affairs for passing a final order in accordance with the provisions of rule 9 of the CCS (Pension) Rules. As the applicant has retired on superannuation and that a final order in the matter is still awaited from the Ministry of Home Affairs..

3. We have heard the learned counsel on either side and perused the records. The disciplinary proceedings were initiated while the applicant was in service, and continued under provisions of rule 9 of CCS (Pension) Rules, 1972 and a final order has to be passed by the competent authority. No justifiable reason is shown as to why the matter is hanging fire for all these years though the enquiry report had been received way back in the year 1990.

4. In the above circumstances, we find no justification as to why the final order in the disciplinary proceedings is not finally being passed. Hence, this application is disposed of/at the admission stage itself as the counsel on either side agreed, with a direction to the respondents to pass a final order in the disciplinary proceedings initiated against the applicant within a period of two months from the date of communication of this order. There is no order as to costs.

  
(R.K. AHOOJA)

MEMBER(A)

  
(A.V. HARIDASAN)

VICE-CHAIRMAN(J)

Enc.