

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(2)

O.A. NO. 812 OF 1995

New Delhi this the 4th day of May, 1995

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER(A)

Mrs. Alka Grover
R/C I-305, D.D.A. Flats,
Naraina Vihar,
New Delhi-110029.

... applicant

(By Shri Vinod Kumar, Advocate)

Versus

1. Union of India through
Secretary, Ministry of
Civil Aviation and Tourism,
Rajiv Gandhi Bhawan,
New Delhi.
2. The Regional Tourist Officer,
88, Janpath, New Delhi. ... respondents

O R D E R (ORAL)

Shri Justice S. C. Mathur —

The applicant seeks quashing of chargesheet, disciplinary proceedings and notice dated March 7/10, 1995 enclosing therewith the report of the enquiry officer giving the applicant opportunity to make representation. The report of the enquiry officer is adverse to the applicant. The disciplinary authority has not yet passed any order. After an adverse order, if any, is passed by the disciplinary authority, the applicant will have right of appeal. Section 20 of the Administrative Tribunals Act, 1985 provides that the Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant has availed of all the remedies available to him/her under the relevant service rules as to

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redressal of grievances. In view of this provision, the approach to the Tribunal at this stage is misconcieved.

2. Learned counsel for the applicant submitted that the disciplinary proceedings are patently illegal as they have been initiated with a delay of 12 years. In support of the proposition that a misconduct cannot be investigated after lapse of 12 years, the learned counsel has cited State of Madhya Pradesh vs. Beni Singh (1990 (Supp) SCC 738). The period of 12 years will count from the date the misconduct comes to the notice of the concerned authority. If the applicant raises the plea before the disciplinary authority, the said authority will obviously go into it and record a finding.

3. In view of the above, the application is dismissed in limine.

4. Learned counsel has prayed that liberty may be granted to the applicant to approach the Tribunal after adverse order is passed by the disciplinary authority. In view of Section 20, the applicant will be entitled to approach the Tribunal only after exhaustion of all the remedies. If there is remedy of appeal provided for, the applicant will have to avail of that remedy first.

P. T. Thiruvengadam

(P. T. Thiruvengadam)
Member (A)

S. C. Mathur

(S. C. Mathur)
Chairman

/as/