

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A.1390/96
M.A.1732/96

This the 21st day of February, 1997.

HON'BLE SHRI S.R. ADIGE, MEMBER(A).

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J).

Sh. S. K. Katiyar
S/o Sh. B.R. Katiyar,
R/o 3/2 CPWD Service Centre,
Pragati Vihar Hostel,
Lodi Road.
New Delhi.

..... Applicant.

(By Advocate Shri Sohan Lal)

Versus

1. Union of India through
Its Secretary,
Ministry of Urban Development,
Govt. of India,
Nirman Bhawan,
New Delhi.

2. Director-General of Works.
Central Public Works Dept.
Nirman Bhawan,
New Delhi.

3. Shri S.P. Singh,
Supdtg. Engineer,
Delhi Central Circle VI,
C.P.W.D. East Block-I
R.K. Puram,
New Delhi.

4. Shri R. Subramanian,
Supdtg. Engineer,
P&D Circle-I,
R&T of Delhi, 8th Floor,
MSO Bldg., I.P. Estate,
New Delhi-110002.

..... Respondents.

(By Advocates: Sh. Harbir Singh proxy through
Mrs. P.K. Gupta for Respondents 1 & 2.
Shri Jog Singh for Respondents 3 & 4.)

ORDER(Oral)

By Hon'ble Shri S.R. Adige, Member(A).

Heard.

2. The applicant has prayed for quashing of
memo dated 29.1.96 initiating the departmental
proceedings against him, and for relief consequent

to the prayer made above.

3. The charges which relate to alleged pilferage of materials and causing wrongful loss to Government are indeed serious. The Hon'ble Supreme Court in a catena of judgment has strongly deprecated the practice of Courts/Tribunal interfering with the conduct of departmental proceedings at interlocutory stages, unless there are exceptionally strong reasons to warrant such intervention, and after hearing the parties and perusing the materials available on records we find no such reasons to warrant any intervention at this stage.

4. Applicant's counsel has stated at the bar that his client has yet to file his written statement in reply to the charges communicated to him vide impugned Memo dated 29.1.96. In the event he does so within 4 weeks of receipt of a copy of this order, which is the time sought by his counsel, the Disciplinary Authority on receipt of the same should dispose it of in accordance with rules and instructions under intimation to the applicant. In this connection respondents counsel has stated that the Disciplinary Authority would have no objection in giving the applicant a reasonable opportunity of being heard in person, and permit him to inspect the relevant records before disposing of his written statement. We direct accordingly.

5. In so far as applicant's challenge to appointment of the Presiding Officer is concerned, he may make his submission to the Disciplinary Authority.

6. The OA accordingly stands disposed of.
No costs.

RB.

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

Adige
(S.R. ADIGE)
MEMBER (A)