

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 598 of 1996
&
M.A. No. 939 of 1996

New Delhi, dated this the 21st November, 1996

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri R.K.Garg,
S/o late Shri D.C.Gupta,
formerly Executive Engineer,
CPWD,
B-372, Lok Vihar,
Pitampura,
Delhi-110034. APPLICANT

(By Advocate: Shri T.C.Agarwal)

VERSUS

Union of India through
the Secretary,
Ministry of Urban Affairs & Employment,
Nirman Bhawan,
New Delhi-110011. RESPONDENTS

(By Advocate: Shri J. Banerjee proxy
counsel for
Shri Madhav Panikar)

ORDER

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

Applicant impugns the charge sheet
~~14.6.95 and order dated 18.7.95~~
dated 18.7.95 (Ann. A-1) and prays for
release of his pensionary benefits including
commutation within one month with interest
thereon. He avers that the matter relates to
1980, wherein a complaint was registered in
1983 and the matter is thus over 13 years
old.

2. Respondents in their reply point out
that the charges relate to the period 20.8.80
to 23.1.84 when the applicant was working as
Asst. Engineer in Housing Div. No.VIII DDA on
deputation from CPWD and was in charge of
construction of various SFS flats in Mehrauli

(Hauz Khas), cement concrete and cement mortar of substandard quality is alleged to have been used in the construction and large scale execution of substandard items of work was detected. Keeping in view the facts that detailed investigation had to be carried out on the basis of intensive examination of the work by Chief Technical Examiner, CVC; detailed documents had to be collected for evaluating responsibility and the advice of other departments had to be taken, the procedure took time. Eventually charge sheet was issued on 14.6.95. Meanwhile the E.O. appointed in the case on 18.7.95 retired as a consequence of which action was taken to appoint a fresh E.O. During this period the applicant himself retired on 30.6.95 while the D.E. under Rule 14 CCS (CCA) Rules were in progress against him, and he has been granted provisional pension not exceeding the maximum pension admissible to him under relevant rules.

3. The charges against the applicant ~~are~~ ^{are} serious. Recently in Secretary to the Govt., Prohibition & Excise, Dept. Vs. L.Srinivasan (JT 1996 (3) SC 202 the Hon'ble Supreme Court has strongly deprecated the practice of Tribunals interdicting departmental proceedings at the threshold stage when the charged officer is

facing serious charges. The ratio in that case is fully applicable to the facts and circumstances of the present case.

4. Under the circumstances, we decline to interfere in this matter at this stage and dispose of the OA by calling upon the respondents to conclude the departmental enquiry as expeditiously as possible and preferably within 6 months from the date of receipt of a copy of this judgment.

5. This O.A. is disposed of in terms of paragraph 4 above. No costs.

A Vedavalli

(Dr. A. Vedavalli)
Member (J)

/GK/

S.R. Adige

(S.R. Adige)
Member (A)