CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

CP-360/98 in
OA-769/97

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New Delhi this the 22nd day of April, 1999.

Hon'ble Shri T.N. Bhat, Member(J)
Hon'ble Shri S.P. Biswas, Member(A)

Sh. S.K. Sharma,
S/o late Sh. Shiv Lal Sharma,
L-63, Sriniwas Puri,
New Delhi. .... Petitioner

(Petitioner in person)

versus

1. Mr. Umesh Saigal,
   Chief Secretary,
   Govt. of NCT of Delhi,
   5, Sham Nath Marg,
   Delhi.

2. Mr. Sanat Kaul,
   Commissioner of Sales Tax,
   Bikri Kar Bhawan,
   New Delhi. .... Respondents

(through Sh. Rajinder Pandita, advocate)

ORDER(ORAL)

Hon'ble Shri T.N. Bhat, Member(J)

Heard the petitioner in person and Shri Rajinder Pandita, learned counsel for respondents.

2. Although in the order of MA-1448/97 there is a mention of the fact that the respondents should pass a final order on the question as to how the period of suspension should be treated, we find that there was no direction to the respondents not to initiate disciplinary proceedings against the petitioner. The petitioner states that after seeking extension of time for implementing the judgement, the respondents ought to have initiated and completed the departmental enquiry within one year which was the period granted by the

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Tribunal. His grievance is that the respondents issued a chargesheet more than 11 months after the expiry of the aforesaid period. It is, however, admitted by him that the subsistence allowance has already been paid to him.

3. We have carefully considered the contentions made by the petitioner and the learned counsel for the respondents. In our considered view if the applicant has any grievance against the initiation of the disciplinary proceedings after a great delay, it is open to him to assail the departmental proceedings by filing a separate O.A. It is not disputed that a decision on the question as to how the period of suspension shall be treated can be taken ~~up~~ only after the conclusion of the departmental enquiry, if initiated.

4. For the foregoing reasons, we do not deem it appropriate to continue these contempt proceedings. The same are droppeed and the notices discharged.

22.4.99

(S.P. Biswas)
M(A)

(T.N. Bhat)
M(J)

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