

Central Administrative Tribunal
Principal Bench: New Delhi

OA 160/97

New Delhi this the 2nd day of May 1997.

(3)

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)
Hon'ble Mr S.P.Biswas, Member (A)

Shri T.D.S.Tulsiani
Son of Late Shri S.D.Tulsiani
R/o 465 Sector - 17
Faridabad
Haryana.

...Applicant

(By advocate: Shri Sohan Lal)

Versus

1. Secretary
Ministry of Urban Development
Nirman Bhawan
New Delhi.

2. Director General of Works
C.P.W.D.
Nirman Bhawan
New Delhi.

...Respondents.

(By advocate: Sri Madhav Panikar)

O R D E R (oral)

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)

Respondents are alleged to have issued two show-cause notices to the applicant - one on 17.5.93 to which the applicant has made no reply; and the other on 27.4.95 to which the petitioner has replied vide Annexure-B page 32 of the OA. It is alleged that after the reply filed by the petitioner, no action has been taken so far. The petitioner in this is seeking a restraining order from us against the respondents from initiating any disciplinary proceedings against the applicant on the basis of memos dated 17.5.93 and 27.4.95 on the ground that the issues contained in the said show-cause notices pertain to the year 1982.

2. Learned counsel for the respondents states that neither respondent No.1 nor respondent No.2 has issued these memos and even if any disciplinary proceeding is initiated, it will be at the

[Signature]

(A)

instance of the DDA who is not a party before us.

3. Therefore, the only direction this Court can issue in this OA is that in case any action is taken at the instance of the respondents, they shall consider the delay that has occurred between the actual incident and the time when the action is taken. Without passing an appropriate order on the question of delay, they shall not initiate any disciplinary proceedings against the applicant. With these observations, this OA is disposed of without any order as to costs.


(S.P.Biswas)

Member (A)


(Dr. Jose P. Verghese)

Vice Chairman (J)

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