

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 970/97

New Delhi, this the 14th day of August, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)  
Hon'ble Shri K. Muthukumar, Member (A)

Than Singh  
803/IX., R.K.Puram,  
New Delhi. ....Applicant

(By Advocate: Shri G.K. Aggarwal)

-versus-

Union of India through

1. Secretary,  
Ministry of Urban Affairs &  
Employment, Nirman Bhawan,  
New Delhi.
2. The Director General (Works)  
Central Public Works Department,  
Nirman Bhawan,  
New Delhi.
3. The Secretary,  
Union Public Service Commission,  
Shahjahan Road,  
New Delhi.
4. National Commissioner for  
Scheduled Castes & Tribes,  
Lok Nayak Jai Prakash Bhawan,  
Khan Market,  
New Delhi.
5. RD Agrawal,  
Superintending Engineer (Inquiries)  
Nirman Bhawan,  
New Delhi. ....Respondents

(By Advocate: Sh. R.V. Sinha)

O R D E R (ORAL)  
{Dr. Jose P. Verghese, Vice-Chairman (J)]

Submission of the petitioner is that the chargesheet  
in the present case has been filed in the year 1993 and the  
inquiry has been completed almost 1 1/2 years back and no  
final order has been passed in the said inquiry. It was

stated that in the meantime promotions are taking place in the department and the respondents are unlikely to consider the candidature of the petitioner for promotion during the pendency of these proceedings for the reason that the promotion in the previous cadre is also under sealed cover. According to him the delay is undoubtedly on the part of the respondents who did not pass the final order in the inquiry in time and by no means, petitioner should be punished for the same.

Counsel for the respondents had appeared and sought time to file reply. After seeking several adjournments to file the reply we had given a last opportunity to do so. It is stated that the reply as well as rejoinder has been filed by the respective parties.

We have heard the counsel on either side and seen the record. In the circumstances and in the interest of justice, we direct the respondents to open the sealed cover provisionally subject to the order yet to be passed in the inquiry proceedings and the same be given effect to. It is also directed that as per the undertaking given by the respondents, the final order will be passed within three months from the date of receipt of a copy of this order and in case no final order is passed, proceedings shall stand abated. The petitioner is given liberty to take further action after expiry of the said date in case no final order is passed.

With these directions, this OA is disposed of with no order as to costs.

  
(K. Muthukumar)  
Member (A)

  
(Dr. Jose P. Verghese)  
Vice-Chairman (J)

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