

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A.NO.2180/94

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New Delhi, this the 31st May, 1995

Hon'ble Shri J.P. Sharma, Member (J)
Hon'ble Shri B.K. Singh, Member (A)

Shri Balbir Singh,
s/o Shri Mangat Ram,
R/o Village & P.O. Soldha,
District Rohtak, Haryana.

...Applicant

By Advocate: Shri S.S. Vats

Vs.

1. Lt. Governor of Delhi
through Chief Secretary,
Delhi State Government,
5, Sham Nath Marg, Delhi.

2. The Deputy Commissioner,
Delhi State Government,
Districts Courts Building,
Tis Hazari, Delhi.

... Respondents

By Advocate: Shri Vijay Pandita

O R D E R (ORAL)

Hon'ble Shri J.P. Sharma, Member (J)

The applicant was posted as Patwari for the Revenue Estate of Village Tikri Kalan and Ghewra sometimes in 1981. A disciplinary enquiry was initiated against the applicant under Rule 14 of the CCS(CCA) Rules, 1965 charging the applicant for misconduct that certain false entries in the revenue record were made in the Khatoni Paimach and Khasra girdawari for the period 1982-83 and 1983-84

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(b)

relating to village Tikri Kalan and village Ghewra when the applicant was in possession of the said record. It is also said that he was also charged that he deleted the entries from the Khata of the Gaon Sabha and added to the same holding of private persons. The above charges were held proved against the applicant by the Enquiry Officer ^{and} ~~which~~ the disciplinary authority by the order dated 12.2.87 imposed the penalty reducing the pay of the applicant to the stage of Rs.950/- for a period of five years with immediate effect and that during the period of reduction, he will not earn any increment and at the end of five years the reduction will have the effect of postponing the future increments of pay. The necessary orders with regard to the period under suspension w.e.f. 7.2.85 will be passed after he joins duty.

The applicant has filed an appeal against the aforesaid order on 7.3.87 which was received in the office of Chief Secretary on 11.3.87 as per endorsement at the top of the appeal annexed at page 40 of the paperbook. The applicant was informed verbally that since the order of punishment was passed allegedly by an authority not competent to pass the same, so the order of punishment was quashed and the

✓ matter has been remanded to the disciplinary authority for passing the fresh order. The case of the applicant is that since 1987 till the filing of this application in October, 1994, the applicant inspite of repeated representations has not been conveyed the result of the remanded proceedings likely to commence/commenced on the basis of the order passed on the appeal dated 7.3.87. In this application, the applicant has prayed for the grant of the reliefs stated in para 8 which is reproduced below:-

"The applicant respectfully requests this Hon'ble Tribunal to direct the respondent No.2 to decide the remand case from the respondent No.1 and cancel all the departmental proceedings against the applicant for the reasons first mentioned above and restore to the applicant the increments with all subsequent benefits, withheld on account of order dated 12.2.87 or forfeited consequent thereupon and also restore the annual increment."

We issued the notice to the respondents to file their reply by 23.12.94 but no reply was filed and on 23.12.94 Shri Vijay Pandita, counsel for respondents appeared and prayed for further time which was granted till 13.2.95. Again a request was made by the counsel for respondents and accepted the request. The time was again granted and the case was ordered to be listed on 7.4.95. Shri Vijya Pandita again made a

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request mentioning the matter before lunch on 7.4.95 and his request was again granted and the matter was directed to be listed on 9.5.95. On 9.5.95 it has been observed that the service on respondent No.2 i.e. Deputy Commissioner of Police is incomplete. Shri Vijay Pandita states that he appears for both Lt. Governor of Delhi through Chief Secretary, NCT and Deputy Commissioner of Police, NCT, Delhi. The case was directed to be listed for today.

Shri S.S. Vats appearing for the applicant opposed the further grant of time to the respondents particularly in view of the fact that the applicant is to ^{later} superannuate on attaining the age of superannuation as prescribed and the respondents have not conveyed any result of the aforesaid remanded proceedings on the alleged misconduct against him, nor respondents have filed any reply. We are also conscious of the fact that the respondents have taken undue long time and half dozen opportunities for them without any taxing a cost were granted simply on the request on the counsel for respondents hoping that the respondents will come and cooperate and help in disposal of the present case. The respondents have not chosen that path and for that they have to suffer themselves.

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Since the prayer made in this O.A. is very innocuous, we therefore on the basis of averments made in the pleadings dispose of the application with the following directions:-

(i) The respondents, if they have not disposed of appeal dated 7.3.87 against the order dated 12.2.87, the disposal of the same can be considered within a period of three months from the date of receipt of copy of this order. This is subject to the second direction hereinafter.

(ii) If the respondents have disposed of the appeal dated 7.3.87 received by them on 11.3.87 and the Appellate authority as alleged in the body of the application accepted the appeal on technical grounds that order passed by the disciplinary authority has been passed by an authority not competent to do so and remanded the matter again to the disciplinary authority then the disciplinary authority shall pass an order according to law on the remanded proceedings with intimation to the applicant within the aforesaid period of three months from the date of receipt of this order.


(iii) That in case the Appellate authority has quashed the order of punishment dated 12.2.87 reducing the applicant to the stage of Rs.950/- and withholding of future increments for a period of five years and that after five years the increments shall stand postponed permanently if that order has been quashed by the Appellate authority, the applicant shall be restored the benefits of withheld increments immediately within the aforesaid period of three months from the date of receipt of copy of this order. However, this will subject to any final order passed either as said above in direction Nos.(i) and (ii).

(iv) In any case if any proceedings are pending against the applicant either with the Appellate authority or after remand by the disciplinary authority that shall be disposed of before the applicant superannuates in service or in three months from the date of receipt of this order otherwise the proceedings shall abate on the date which is later in point of time. In that event the authorities shall pass an order for treating whole of the period under suspension.

The parties shall bear their own costs.


(B.K. SINGH)
MEMBER(A)

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(J.P. SHARMA)
MEMBER(J)