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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.1376 of 1994

New Delhi, this the 22nd day of July, 1999

Hon'ble Mr. Justice D.N.Baruah, Vice Chairman  
Hon'ble Mr. N. Sahu, Member (Administrative)

Bir Singh,  
S/o Shri Prabhu Singh,  
Ex. Warder, (Roll No.384),  
Central Jail,  
TIHAR, New Delhi.

Residential Address

Bir Singh, D-10, Staff Quarters,  
Central Jail Complex, TIHAR,  
New Delhi.

-APPLICANT

(By Advocate- Shri G.D.Bhandari)

Versus

1. Inspector General of Prisons,  
Central Jail, TIHAR, New Delhi.
2. Government of N.C.T. through the  
Secretary (Home), 5, Sham Nath  
Marg, Delhi-110054
3. Smt. Kiran Bedi, Inspector General  
of Prisons, Central Jail, Tihar,  
New Delhi

-RESPONDENTS

(By Advocate - None)

O R D E R (Oral)

By Baruah, J.-

This application has been filed against the order of compulsory retirement. The applicant was served with article of charges along with the statement of imputation asking him to show cause why the disciplinary action should not be taken against him. The applicant submitted his reply. However, the disciplinary authority not being satisfied with the reply directed to hold an enquiry and an enquiry officer was appointed. The enquiry officer found him guilty of the charges, and submitted his report. The disciplinary authority, however, was not satisfied with the report of the enquiry officer and, therefore, remitted the matter

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back to the enquiry officer, to hold the enquiry under the provisions of Rule 15(1) of the Central Civil Services (Classification, Control & Appeal) Rules. Thereafter, the Inspector General of Prisons passed an order retiring the applicant compulsorily. Against that order the applicant preferred an appeal before the appellate authority, namely, Home Secretary, NCT of Delhi on or about July, 1994. We have gathered this information from the record produced by the respondents. In a letter dated 19.7.1994 it has been mentioned that the applicant had not given any date to ascertain as to whether the appeal was barred by limitation or not. If we take it it was submitted in July, 1994 and the present OA was filed on 5.7.1994, this itself shows that the applicant did not wait statutory period of six months from the date of filing of the appeal.

2. On perusal of the pleadings we find that the facts are disputed. In view of the above it is difficult for this Tribunal to decide the matter. We feel it expedient to direct the 2nd respondent to dispose of the appeal at an early date not less than one month from the date of receipt of a copy of this order, and if the applicant is still aggrieved he will be at liberty to approach the Tribunal. The learned counsel for the applicant, however, submits that the matter may be disposed of on merit, without sending it back. In the facts and circumstances of the case we are of the <sup>view that the</sup> ~~view that the~~ appellate authority should respondent no. 2 <sup>should</sup> dispose of the appeal at an early date not less than one month from the date of receipt of a copy of this order. The O.A. is disposed of. No costs.

(N. Sahu)  
Member (Admnv)

(D.N. Baruah)  
Vice Chairman

rkv.