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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. NO. 1469/1994

New Delhi this the 22nd of July 1994

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

Shri T. Sagar,
Son of Late Shri Jagan Nath,
Resident of H-310 Nanakpura,
New Delhi-110 021. Applicant

(By Advocate Shri Jose P. Verghese)

VS

The Secretary,
Indian Council of Agricultural Research,
Krishi Bhawan, New Delhi-110 001

O R D E R

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

The applicant earlier filed Writ Petition in the High Court CW 1876/86 which was transferred to Central Administrative Tribunal, Principal Bench, New Delhi and registered ST-110/87 in which he has prayed for the grant of the relief that the order dated 28.6.1985 passed in the departmental enquiry under rule 14 CCS (CCA), 1965 imposing the punishment of removal from service be declared illegal. That application was partly allowed and the case was remanded to the disciplinary authority to proceed with the enquiry according to law and the order of removal from service was quashed. This order was assailed by the applicant before the Hon'ble Supreme Court in Civil Appeal No. 4363/94 praying that the respondents have not completed the enquiry within 18 months as directed by the Tribunal in its order dated 10.7.1992 so the said proceedings be closed. The Hon'ble Supreme Court directed that the enquiry be continued and the same should be completed within a period of six months but since there was a delay in the disposal of

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the enquiry, the applicant was ordered to be reinstated in service by the order of the Tribunal dated 10.7.1992 as he was earlier under deemed suspension. The respondents have commenced the departmental enquiry and the chargesheet has been served in March 1994 and the Enquiry Officer has since been appointed. The applicant on 15.7.1994 requested the Secretary, ICAR that since a criminal case is already pending the present enquiry be stayed. The Enquiry Officer has fixed the hearing of the case on day to day basis and the date is fixed 21.7.1994. The relief prayed by the applicant is to restrain the respondents from proceedings the departmental enquiry and the proceedings of the enquiry and the chargesheet dated 24.4.1994 be stayed. Further declared the proceedings are illegal and violative of the principle of natural justice.

2. We heard the learned counsel for the applicant Shri J.P. Verghese at length. Even after the order of the Hon'ble Supreme Court referred to above the applicant in order to delay the enquiry filed this application concealing a major fact in as much as the chargesheet in the criminal case has already been filed in 1994, and the applicant filed the Writ Petition No. 13060/84 before the Hon'ble Supreme Court and sought the relief to declare the action of the respondents of initiating departmental enquiry as violative of Art. 14 & 16 of the Constitution with a further direction to the respondents to withdraw the departmental proceedings and quash the same. That Writ Petition was dismissed by the Hon'ble Supreme Court by the order dated 26.11.1984. Now it is open to the applicant to make any such prayer either before the Administration or in the present application. It is only a device to delay the

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proceedings. It may be recalled that misconduct alleged against the applicant is of not accounting a sum of Rs. 5,000/- of a meeting held on 22.3.1980 of the ICAR Governing Body. In the earlier departmental enquiry the applicant did not participate and the findings were given ex-parte as certain lacunae was found and the applicant was not provided adequate opportunity to defend himself. The order of punishment was set aside only on technical ground and not on merit by the order dated 10.7.1992 with a direction to the respondents to complete the proceedings of the enquiry expeditiously. The Hon'ble Supreme Court has also considered the matter and directed the respondents to complete the enquiry within six months. During all this period the criminal case, the chargesheet of which was filed in 1994 is pending trial before the Criminal Court and the applicant at no point of time has raised such a plea except in 1984 itself when the Hon'ble Supreme Court refused to quash the departmental enquiry in spite of the fact that criminal proceedings have been initiated against the applicant.

3. We do not find any *prima facie* case in this matter for adjudication and the application is totally misconceived and dismissed under sub-para 3 of Section 19 of the AF Act, 1985. A copy of the order be sent to the respondents, ICAR. The respondents to continue with the enquiry as per the direction of the Hon'ble Supreme Court.


(B.K. Singh),

Member(A)


(J.P. Sharma)

Member(J)