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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.C.P. NO. 2/94 in
D.A. NO. 1284/93

New Delhi this the 4th day of January, 1994.

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Ramesh Chander S/O Harbans Lal,
K-8, Pratep Nagar (Andha Mughal),
Delhi - 110007.

... Petitioner

By Advocate Shri Gurmeet Singh

Versus

1. Dr. (Mrs.) Harmohinder,
Director (Medical) Delhi,
ESI Hospital Complex,
Basai Darapur,
New Delhi - 110015.

2. Shri Lalit Pariyar,
Director General, ESIC,
ESIC Bhawan,
Kotla Road,
New Delhi - 110002.

... Respondents

O R D E R (ORAL)

By Hon'ble Mr. Justice V. S. Malimath --

The complaint in this case is that the respondents have violated the directions of the Tribunal issued in D.A. 1284/93. The facts in brief are that the petitioner tendered resignation. As it was not accepted, he approached the Tribunal. The defence was that they were contemplating disciplinary inquiry for which purpose a preliminary inquiry was going on. The Tribunal felt that the respondents had taken unreasonably long time for completing the process of preliminary inquiry. Therefore, the Tribunal directed the completion of the preliminary inquiry so that the authorities can

make up their mind either to hold a disciplinary inquiry in accordance with law or to accept the resignation tendered by the petitioner. The respondents have served articles of charge well within time granted by the Tribunal. The respondents have thus concluded the preliminary inquiry and have launched a regular inquiry against the petitioner. What the petitioner complains is that the inquiry now launched against him was not in contemplation at the / disposal of the O.A. and is really based on fresh accusations, the foundation of which might be subsequent complaints received against him. It is not possible nor is it reasonable to construe the order of the Tribunal as precluding the authorities from launching a regular disciplinary inquiry in regard to matters which were not brought to their notice before the O.A. was disposed of. The crux of the matter is that the decision on acceptance of the petitioner's resignation should not be kept lingering on for an unduly long period on the pretext that a regular disciplinary inquiry is contemplated in respect of certain misconduct. The thrust of the order of the Tribunal is that a decision as to whether a regular disciplinary inquiry should be or should not be conducted be taken within the prescribed time. We cannot understand the judgment of the Tribunal as restricting the inquiry to any particular matter.

2. Another contention which we were invited to notice is to understand the effect of the directions of the Tribunal to complete the entire disciplinary

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inquiry within three months. It is not possible to understand the direction of the Tribunal as to complete the entire disciplinary inquiry within that period. The direction is only to take a decision as to whether a regular disciplinary inquiry should be held or not. No time has been prescribed for completing the inquiry. It is needless to observe that disciplinary inquiries of this nature when a resignation is pending acceptance ought to be completed with as much expedition as is reasonably possible.

3. With these observations, these proceedings are dropped.

Adige
(S. R. Adige)
Member (A)

Malimath
(V. S. Malimath)
Chairman

/as/