

(2) (10)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA-1256/2000

New Delhi this the 14th day of November, 2000.

Hon'ble Sh. S.R. Adige, Vice-Chairman(A)  
Hon'ble Dr. A. Vedavalli, Member(J)

Sh. M.L. Kararwal,  
S/o Sh. Mani Ram Kararwal,  
R/o G-6, Police Quarters,  
New Police Lines,  
Kingsway Camp,  
New Delhi.

..... Applicant

(through Sh. Rajinder Nischal, Advocate)

Versus

1. Union of India  
through Secretary,  
Ministry of Home Affairs,  
New Delhi.

2. The Joint Secretary,  
Ministry of Home Affairs,  
New Delhi.

3. The Under Secretary,  
Govt. of NCT, Delhi.

..... Respondents

(through Mrs. P.K. Gupta, Advocate)

ORDER (ORAL)

Hon'ble Sh. S.R. Adige, Vice-Chairman(A)

Applicant impugns the disciplinary proceedings initiated against him by Memo dated 26.10.90 (Annexure-I).

4. We have heard Sh. Rajinder Nischal, applicant's counsel and Mrs. P.K. Gupta, respondents counsel.

3. Shri Nischal states that pursuant to the impugned chargesheet dated 26.10.90, an enquiry was

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conducted, and the Enquiry Officer in his findings dated 08.01.92 held that none of the three charges contained in the impugned chargesheet dated 26.10.90 stood proved. He further states that de novo enquiry has been initiated against him vide order dated 02.12.93 (Annexure-III), in which fresh witnesses have been added vide order dated 24.01.96, which Sh. Nischal contends is illegal.

4. It further appears that on the basis of the orders dated 02.12.93 and 24.01.96, the Enquiry Officer in his report dated 26.06.97 again held each of the three charges as not proved. A copy of the aforesaid enquiry report dated 26.06.97 was furnished to the applicant who filed two representations but the Disciplinary Authority upon disagreeing with the findings of the Enquiry Officer, for reasons contained in his order dated 04.07.2000, has imposed the penalty of compulsory retirement upon applicant.

5. We note that before the aforesaid order dated 04.07.2000 could be served upon applicant, he had approached the Tribunal, who by its ex parte interim order dated 11.07.2000 directed respondents not to pass final orders in the disciplinary proceedings against the applicant, and if an order had already been passed, respondent No.2 was restrained from serving the same upon him. Those interim orders have been extended from time to time.

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6. After hearing both sides, we dispose of this O.A. with the following directions:-

(i) The interim orders dated 04.07.2000 are vacated and respondents are permitted to serve a copy of the aforesaid order of the Disciplinary Authority dated 04.07.2000 upon applicant within a week from today.

(ii) Applicant is granted two weeks time from the date of service of the aforesaid order of the Disciplinary Authority dated 04.07.2000 to file a statutory appeal to the competent authority, if so advised.

(iii) The Appellate Authority will dispose of the aforesaid statutory appeal, in accordance with rules and instructions under intimation to applicant, within four weeks from the date of receipt of the appeal, which respondents counsel Mrs. Gupta states would be sufficient for the purpose.

(iv) If after disposal of the appeal, any grievance still survives, it will be open to applicant to agitate the same through appropriate original

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proceedings in accordance with law, if so advised, within two weeks from the date of receipt of the appellate order.

(v) Respondents will not enforce the order of compulsory retirement, in the event that applicant's appeal is rejected, till two weeks from the date of rejection of applicant's appeal.

(vi) It is made clear that if applicant fails to file the appeal within the time allowed in (ii) above, the disciplinary authority's penalty order will take effect, immediately upon expiry of the period granted for filing the appeal.

7. With the above directions, the O.A. stands disposed of. No costs.

A. Vedavalli  
(Dr. A. Vedavalli)  
Member(J)

S.R. Adige  
(S.R. Adige)  
Vice-Chairman(A)