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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1524/2000

Tuesday, this the 27th day of March, 2001.

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Anil Kumar Bhatia,
S/o Shri Mulk Raj Bhatia,
R/o 1189-A/23, NIT Faridabad,
Haryana APPLICANT
(By Advocate: Shri H.C. Sharma)

VERSUS

1. Union of India,
through its Secretary,
Ministry of Rural Development,
Krishi Bhawan, New Delhi
2. Secretary to the Govt. of India,
Dept. of Economic Affairs,
Ministry of Finance, North Block,
New Delhi
3. Shri P.R. Devi Prasad,
Director (Inquiry Officer) C/o
Ministry of Rural Development,
Krishi Bhawan
New Delhi RESPONDENTS
(By Advocate: Shri Rajinder Nischal)

O R D E R (ORAL)

By Hon'ble Shri S.A.T. Rizvi, Member (A):

The applicant in this OA, who is an Economic Investigator Grade-I in the Office of the Respondent No.1 and who is likely to be considered for promotion to the rank of Research Officer (Indian Economic Service) is aggrieved by the disciplinary authority's order dated 31.7.2000 by which a fresh enquiry has been ordered against him in the disciplinary proceedings under way against him. He is also aggrieved by the fact that a copy of the report of the inquiring authority in the aforesaid case has not been made available to him. The prayer made is for quashing of the aforesaid order dated 31.7.2000, which according to

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the applicant, is likely to deprive the applicant of his promotion to the rank of Research Officer.

2. Heard the learned counsel on either side.

3. The impugned order dated 31.7.2000 has admittedly been passed in terms of rule 15 of the CCS (CCA) Rules, 1965. We have, therefore, taken a look at the aforesaid rule, which provides as under:

"15(1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule 14, as far as may be."

4. We find that the aforesaid rule permits the disciplinary authority to remit the case to the enquiring authority for further inquiry and report. As against the aforesaid specific provision, which permits holding of further inquiry and not a fresh inquiry, as such, the disciplinary authority in this case, relying on the same rule has ordered a fresh inquiry. Strictly speaking, therefore, it would be difficult to sustain the aforesaid impugned order. We cannot, in the circumstances, help quashing the said order.


5. We will, however, like to observe that before passing the impugned order dated 31.7.2000, the disciplinary authority should have followed the principle of natural justice by issuing a show cause Notice to the applicant by supplying to him a copy of

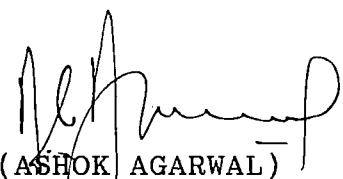
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the inquiring authority's report. Based on the applicant's reply thereto, the disciplinary authority could proceed to pass an order under rule 15 by ordering a further enquiry as distinguished from a fresh inquiry. At the same time, in our view, after a ~~proper~~ ^{& proper} ~~further~~ consideration of the matter, the disciplinary authority could pass any other appropriate orders as well as deemed fit by him *in accordance with the Rules.*

6. The learned counsel appearing for the respondents fairly states that in the light of the observations just made by us, the respondents will be willing to hold a further inquiry only if found necessary after taking into account the representation of the applicant which he might submit on receipt of a copy of the inquiring authority's report. We direct accordingly.

7. The OA is disposed of in the aforestated terms. No costs.


(S.A.T. RIZVI)
MEMBER (A)


(ASHOK AGARWAL)
CHAIRMAN

(pkr)