

Central Administrative Tribunal
Principal Bench

O.A. No. 1660 of 2000

New Delhi, dated this the 19th March, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri H.N. Shukla,
S/o late Shri S.P. Shukla,
R/o Qr. No. 50, M.S. Timarpur,
Delhi-110007. .. Applicant

(By Advocate: Shri S.K. Gupta)

Versus

1. Union of India through
the Secretary,
Ministry of Defence,
South Block, New Delhi.
2. Directorate General (Research & Dev.),
Defence Research & Development Organisation,
Ministry of Defence,
Directorate of Vigilance,
West Block 8, Wing No. 5,
Second Floor, R.K. Puram,
New Delhi-110066.
3. Shri B.N. Mehra,
Enquiry Officer,
C/o Director General (R&D),
D.R.D.O.
Ministry of Defence,
Directorate of Vigilance,
West Block 8, Wing No.5,
Second Floor, R.K.Puram,
New Delhi-110066. .. Respondents

(By Advocate: Shri J.B. Mudgil)

ORDER (Oral)

S.R. ADIGE, VC (A)

Heard both sides.

2. Applicant impugns the disciplinary authority's order dated 12.1.96 (Annexure A-1) and the appellate authority's order dated 20.9.99 (Annexure A-3).

3. It is not disputed that applicant along with S/Shri. P.P. Kaura, Rajinder Shah Singh and Ghanshyam Das were proceeded against in regard to the same alleged misconduct of defrauding Government by claiming LTC for the block year 1978-81 in respect of self and family for the purported journey to Kanyakumari and back without actually performing the journey.

4. In this connection we have been shown the Tribunal's order dated 28.6.2000 disposing of O.A. No. 608/97 filed by P.P. Kaura and O.A. No. 609/97 filed by Rajinder Shah Singh. A copy of the order dated 28.6.2000 is taken on record, a perusal of which makes it clear that owing to the inordinate delay in initiating the Disciplinary Proceedings against S/Shri Kaura and R.S. Singh and prejudice caused to them, as they were not able to produce the materials of witness to defend their case, the impugned orders were held to be vitiated and were, therefore, quashed and set aside.

5. The aforesaid order dated 28.6.2000 was subsequently challenged by respondents in the Delhi High Court in WP (C) 527/2001 which was dismissed in limine by order dated 24.1.2001 (copy taken on record).

6. As it is not disputed that the Tribunal's

aforesaid order dated 28.6.2000 which has been subsequently upheld by the Delhi High Court in its order dated 24.1.2001 fully covers the facts and circumstances of the present case for the reasons contained in the aforesaid orders, this O.A. succeeds and is allowed to the extent that the impugned orders of the disciplinary authority and of the appellate authority are quashed and set aside. Consequential benefits should be extended to applicant within three months from the date of receipt of a copy of this order. No costs.

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

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

'gk'