

Central Administrative Tribunal, Principal Bench

Original Application No. 2014 of 2000

New Delhi, this the 10th day of May, 2001

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. Govindan S. Tampi, Member (A)

Murli Manohar Singh
Under Secretary
Ministry of Urban Affairs and Employment
20/65, Lodhi Colony
New Delhi-3

- Applicant

(By Advocate: None)

Versus

1. The Secretary
Department of Personnel & Training
North Block, New Delhi

2. The Director Vigilance
Department of Personnel & Training
Government of India
North Block, New Delhi

3. Union of India through
The Secretary
Ministry of Urban Affairs and Employment
Nirman Bhawan, New Delhi

- Respondents

(By Advocate: None)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act seeking following reliefs:

"i) To issue order or direction to the respondent to quash the chargesheet dt. 21.11.96; and

ii) To issue order or direction to the respondent to promote/upgrade the applicant from the post of Under Secretary to the level of Dy. Secretary."

2. Facts in brief are that applicant has been denied promotion for the post of Deputy Secretary from the post of Under Secretary as an inquiry is alleged

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to have been pending against him since 1988. This inquiry under Section 14 of CCS (CCA) Rules was conducted after inspection of type C (D) Section of the Directorate of Estate on 24.6.88. On the said date, the applicant was working on the post of Assistant Director, in charge of type C (D) Section. The applicant was charged that he was not disposing of the receipts in time. Inquiry was started by the Vigilance Department against him under CCS (CCA) rules and because of that, the applicant has not been given promotion. He has prayed for a direction to quash the chargesheet dated 21.11.96 vide which the inquiry was initiated against the applicant. (10)

3. Respondents are contesting the OA. In their reply, they have admitted that the applicant was working as Assistant Director at the relevant time in type C (D) Section of Ministry of Urban Development. After an inspection was carried out on 24.6.88, 33 receipts ranging from three weeks to over two months were recovered from the personal custody of the applicant which were lying unattended and not even diarised. On that basis, a chargesheet was issued to the applicant on 21.11.96 for major penalty. The inquiry officer has already submitted his report on 13.4.98 and has held the charges as partly proved but the disciplinary authority did not agree with the findings of the inquiry officer, so a copy of the inquiry officer's report alongwith disciplinary authority's reasons for disagreement were forwarded to the applicant to enable him to represent, if any. The applicant made a representation on 28.9.98. Now the

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matter is pending for taking a final decision by the disciplinary authority in consultation with the U.P.S.C. (1)

4. When the matter was taken up, none appeared for either side, therefore, we have proceeded to decide the matter under Rule 15 of CAT (Procedure) Rules.

5. The applicant has prayed for quashing of the chargesheet on the ground that disciplinary case is pending against him for the last 12 years and no final order has been passed as yet. However, from the pleadings available on record, we notice that the matter is at the final stage and a decision is likely to be taken shortly. Therefore, we find ourselves unable to agree to the submission of applicant for quashing of the chargesheet.

6. Under these circumstances, we dispose of this O.A. with a direction to respondents to take a final decision on the chargesheet issued to the applicant, within a period of two months from the date of receipt of a copy of this order. In the final order, if the applicant is exonerated from the charges, respondents shall consider his case for promotion to the post of Deputy Secretary in accordance with rules, instructions and judicial pronouncements on the subject. No costs.

(Govindan S.Tampi)
Member(A)

/dinesh/

Kuldeep Singh
(Kuldeep Singh)
Member(J)