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Central Administrative Tribunal, Principal Bench

Original Application No.548 of 2000

New Delhi, this 10th day of April, 2000

Hon'ble Mr.Justice Ashok Agarwal Chairman  
Hon'ble Mr.V.K.Majotra, Member (Admnv)

Dr. M.S.Prasad, s/o Shri Ramji Prasad, R/o  
F-156, Ashirwad Apartments, Dilshad Colony,  
Delhi-110095. Presently working as H.O.D.  
(Paediatrics), Safdarjung Hospital, New  
Delhi-110016 - Applicant

(By Advocate Shri D.S.Chaudhary)

Versus

1. The Union of India, Through the Secretary, Ministry of Health and Family Welfare, Department of Health, Nirman Bhawan, New Delhi-110011.
2. Shri N.M.Perumal, Deputy Secretary to the Govt. of India, Ministry of Health & Family Welfare, Department of Health, Nirman Bhawan, New Delhi-110011.
3. Dr.R.S.Gulati (Enquiring authority), Deputy Director General (RHS), Directorate General of Health Services, Nirman Bhavan, New Delhi-110 011. - Respondents

O R D E R (Oral)

By Justice Ashok Agarwal, Chairman.-

The applicant has approached this Tribunal at the stage of issue of memorandum of charges levelled against him in disciplinary proceedings initiated against him. The memorandum of charges is dated 1st August, 1996. The same contained the following articles of charge :-

ARTICLE-I

That the said Dr.M.S.Prasad, Senior Paediatrician, under CHS Cadre of this Ministry, while working in GTB Hospital, Delhi acted in a manner unbecoming of a Govt. servant in as much as he has been absenting himself authorisedly from duty since 7th October,1992, contravening the provisions of Rule 3(ii) & 3.1 (iii) of CCS (Conduct) Rules, 1964.

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ARTICLE -II

That the said Dr.M.S.Prasad, while functioning as Senior Paediatrician in GTB Hospital during the year 1992, has failed to maintain devotion to duty and acted in a manner unbecoming of a Govt. servant in as much as he left the Country and accepted foreign assignment with Govt. of Libya without the permission and information of the competent authority contravening thereby the provisions of Rule 3.1 (ii) & 3.1.(iii) of CCS (Conduct) Rules, 1964.

It has inter alia been contended on behalf of the applicant that he having requested the enquiry officer to conduct the enquiry expeditiously vide his applications at Annexures-A-4 and A-5, no progress has so far been made in the enquiry after 2nd July,1997. In the circumstances, we find that ends of justice will be met by disposing of the present OA by issuing a direction to the enquiry officer respondent no.3 herein to conduct the enquiry expeditiously and complete the same within a period of six months from the date of the service of this order upon him. It is clarified that it will be open to the applicant to raise such grounds as may be available to him in the disciplinary proceedings to be conducted. He will also be entitled to agitate all the grounds raised in the present OA as also other grounds which may be available to him in the event of his approaching the Tribunal against the orders to be passed in the enquiry.

2. The applicant has in the present OA has also sought directions to the 1st respondent to grant him annual increments, leave, pay fixation in the revised scale of pay, promotion etc. As far as the prayer for annual



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increments, leave, pay fixation is concerned, respondent no.1 will consider the same and grant reliefs if he is entitled to the same under the rules. His claim for promotion, however, can be deferred till after the disciplinary proceedings are concluded.

3. The OA is disposed of in the above terms.

(Ashok Agarwal)

Chairman

(V.K.Majotra)

Member (Admnv)

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