

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 550/2000

New Delhi this the 25th day of July, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Dr. A.P. Saxena
S/o Shri R.P. Saxena
R/o G-2 Green Park Extension
New Delhi.

.... Applicant

(None)

-Versus-

1. Union of India,
Ministry of Agriculture
Department of Agricultural Research
& Education
through Secretary, Indian Council of
Agricultural Research
Krishi Bhawan, New Delhi.
 2. Dr. R.S. Paroda, Director General
Indian Council of Agricultural Research
Krishi Bhawan, New Delhi.
 3. Mr. M. Aslam, Director (Vig.)
Department of Agricultural Research &
Education
Krishi Bhawan
New Delhi.
- Respondents

(By Shri M.N. Krishnamani, Sr. Advocate
with Shri Ashok Kashyap, Advocate)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Applicant and his advocate are absent. We have heard Shri M.N. Krishnamani, Sr. counsel appearing for the respondents. Pleadings in the matter are complete. In the circumstances, we proceed to dispose of the OA on merits in the absence of the applicant and his advocate in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. By the present OA, applicant seeks directions to quash the suspension order issued

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against him on 8.2.1999. He also seeks directions to quash the Office Memorandum of 23.3.1999 whereby disciplinary proceedings have been initiated against him. Applicant had earlier approached this Tribunal by instituting OA No.651/1999. By an order passed on 5.11.1999, this Tribunal refused to interfere and disposed of the aforesaid OA by issuing the following directions:-

"3. At this stage, we are not inclined to go into the merits of the matter which have to be considered and decided in the inquiry. It is not in doubt that the applicant is entitled for subsistence allowance in accordance with the relevant rules. We direct the respondents to review increase of the payment of subsistence allowance in accordance with Rule 53 (1) (a) of the CCS (CCA) Rules, 1965.

"4. We further direct the respondents to complete the inquiry and pass the final order in the inquiry within a period of four months from the date of receipt of a copy of this order. It is needless to say that applicant should cooperate in the inquiry."

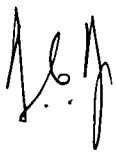
3. As far as the claim of the applicant for enhancement of the subsistence allowance is concerned, the same has been enhanced by the respondents by passing an order on 10.12.1999 by an amount equal to 50% of the subsistence allowance originally sanctioned to him. Aforesaid prayer in the circumstances has been granted.

4. As far as the disciplinary proceedings are concerned, the same were directed to be completed within a period of four months from the date of receipt of a copy of the order dated 5.11.1999 which

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period expired on or about 16.3.2000. On application being made on behalf of the respondents, aforesaid time was extended by a further period of two months which again has expired on 16.5.2000. Disciplinary proceedings have, however, not been concluded till date. (6)

5. As far as the disciplinary proceedings are concerned, respondents have pointed out that investigation into the charges which form part of the disciplinary proceedings against the applicant have now been taken over by the Central Bureau of Investigation. A chargesheet has also been filed against the applicant and two others on 26.4.2000. The allegation of the applicant that the present disciplinary proceedings are initiated against him in order to oblige and accommodate one Dr. Gajender Singh is false and misleading as he is one of the co-accused along with the applicant in the chargesheet submitted by the C.B.I. Similarly the averment contained in the OA that the respondents have given vigilance clearance to Dr. Gajender Singh is also false as the said Dr. Gajender Singh is also facing charges at the instance of the C.B.I. along with the applicant. As regards the allegations contained in the chargesheet submitted against the applicant, the respondents have pointed out that the applicant in his capacity as Project Director (NARP) and ADG (ARIS) had made purchases of computers and certain non-working equipments including air-conditioners at ICAR Headquarters in the year 1995-96. Out of these equipments, 99 computers were reported to be



non-functional due to one reason or the other. Moreover, there were also possibilities of monetary loss due to defective supply of computers/equipments and loss to the research work of the council. It was also reported that payment had been made without due care in delivery and commissioning of costly equipments and requisite training to the personnel. Applicant was requested to make available the relevant records, however, despite written orders of Director General, ICAR to him, the records were not made available for proper investigation of the case. As such, by orders of the Hon'ble Prime Minister, applicant was placed under suspension with effect from 8.2.1999. Since investigation has been taken over by the C.B.I., the entire record of the proceedings has also been taken over by them. Moreover, conducting disciplinary proceedings against the applicant in the teeth of the prosecution initiated at the instance of the C.B.I. would be against the interests of the applicant and the same is likely to prejudice his defence.

6. In our view, the reasons given by the respondents for not being able to complete the disciplinary proceedings within the time stipulated are just and proper. Respondents in the circumstances, we find for good reasons have been unable to complete the enquiry as directed. In our view, having regard to the nature of allegations contained in the chargesheet issued against the applicant, he will not be entitled to an order quashing the order of suspension as also the chargesheet.

7. Present OA, in the circumstances we find is devoid of merit. The same is accordingly dismissed. No costs.

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V. K. Majotra

(V.K. Majotra)
Member (A)

sns

Ashok Agarwal
(Ashok Agarwal) -
Chairman