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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

DA 1443/89

Date of decision: 21.07.1993.

MP 98/93, 2151/91

Shri S.K. Verma

.....

Applicant

versus

Union of India & Ors.

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Respondents

Coram:-

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

The Hon'ble Mr. B.N. Dhoundiyal, Member (A)

For the applicant : Sh. V.K. Rao, proxy counsel
for Sh. A.K. Sikri, counsel

For the respondents : Sh. P.P. Khurana

JUDGEMENT (ORAL)

(delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman)

Disciplinary proceedings were initiated against the petitioner by giving a charge memo. That took place on 19.09.1984. On 19.7.1989, the present O.A. was preferred in this Tribunal containing a number of prayers. As material they are:-

- (i) The chargesheet dated 5.11.1984 be quashed;
- (ii) The order dated 19.9.1989 with regard to common proceedings be quashed;
- (iii) The order dated 28.8.1986 appointing the Enquiry Officer be quashed;

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(iv) The enquiry proceedings under Rule 14

CCS (CCA) Rules may be quashed.

On 21.7.1989, an ex-parte interim order was granted to the effect that the respondents would not proceed with the enquiry. The said interim order continues to operate even now.

It appears that during the pendency of this application in this Tribunal, the petitioner retired from service. It also appears, that in view of the interim order passed by the Tribunal, action could not be taken under Rule 9(2) of Central Civil Services (Pension) Rules. Admittedly, ~~the~~ disciplinary proceedings were initiated by an authority inferior in rank to the President. In view of the retirement of the petitioner, proceedings can not continue without any order of the President under Rule 9(2) of C.C.S. (Pension) Rules.

The Punishing Authority shall forward the matter to the President of India under Rule 9 as expeditiously as possible but not beyond a period of one month from the date of receipt a certified copy of this judgement. Thereafter, the Union of India shall pass orders as expeditiously as possible but not a period of three months from the date of the receipt of the papers from the Punishing Authority. In case the President decides to drop the proceedings, that will be the end of the matter. If, however, the President directs that enquiry should go on and eventually an order of punishment is passed against the petitioner, it will be open

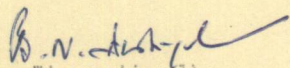
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9 to ^{him} ~~parties~~ to raise all pleas which have been raised in this application before an appropriate forum. We make it clear that we are not expressing any opinion on the merits of the reliefs claimed in this application.

With these directions, this application is disposed of finally. There will be no order as to costs.

Interim order passed on 21.7.1989 is vacated.


(B.N. Dhoundiyal)

Member (A)


(S.K. Dhaon)

Vice-Chairman

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