

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1539/89

NEW DELHI THIS THE 4TH DAY OF JANUARY 1995.

MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
MR.B.N.DHOUNDIYAL, MEMBER(A)

Shri Baldev Raj Sikka
S/o Shri Hiranand Sikka
R/o K/27 West Patel Nagar
New Delhi-110008.

APPLICANT

BY ADVOCATE DR.D.C.VOHRA.

Vs.

1. Union of India through
The Foreign Secretary
Govt.of India
Ministry of External Affairs
South Block
New Delhi-110011.

2. Embassy of India
Washington D C
through the Head of Chancery
C/o Ministry of External Affairs
South Block
New Delhi-110011.

RESPONDENTS

NONE

ORDER(ORAL)

JUSTICE S.K.DHAON:

In view of the judgement dated 28.11.1994
in OA No.2063/89(Hardit Singh Ahuja Vs.Union
of India)the reliefs(1) and (2) cannot be granted
to the applicant.

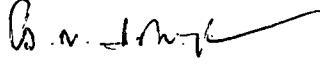
2. Dr.D.C.Vohra, learned counsel for the
applicant has stated at the Bar that on 28.2.1994,
the applicant attained the age of superannuation.
It appears that on or before the said date,
disciplinary proceedings initiated against the
applicant had not culminated. Therefore,
sub-rule(2) of Rule 9 of the CCS(Pension) Rules,
1972 would be attracted to the case of the
applicant. As a corollary to this, Rule 69 would
also be attracted to his case. The learned counsel
has vehemently urged that since 16 years have
passed and a halting inquiry was held, a case
has been made out for the quashing of the
disciplinary proceedings by us. Having regard

to the stand taken in the counter-affidavit, we are unable to accede to this request.

Admittedly, the disciplinary proceedings have been initiated by the President. It is in the discretion of the President either to continue with the inquiry under sub-rule(2) of Rule 9 or to discontinue the same. However, if the inquiry is allowed to continue, the applicant would be entitled to the grant of provisional pension as admissible to him under the law and in accordance with sub-rule(2) of Rule 9 read with Rule 69 of the Pension Rules.

3. There can be no getting away from the fact that the inquiry against the applicant has been pending for long last 16 years. Whatever be the reason, it is high time that the inquiry should be completed as expeditiously as possible even if the applicant has not cooperated in the inquiry. As already indicated, the applicant has now become entitled to the payment of provisional pension and the same shall be paid to him as admissible under the law within a period of four months from the date of presentation of a certified copy of this order by the applicant before the relevant authority.

4. With these directions, this OA is disposed of finally but without any order as to costs.


(B.N.DHOUNDIYAL)
MEMBER(A)


(S.K.DHAON)
VICE-CHAIRMAN(J)

SNS