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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.

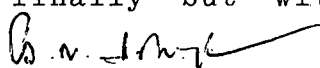
2. Dr.D.C.Vohra, learned counsel for the applicant has stated at the Bar that on 28.2.1994, the applicant attained the age of superannuation. It appears that on or before the said date, disciplinary proceedings initiated against the applicant had not culminated. Therefore, sub-rule(2) of Rule 9 of the 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

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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)

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