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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 10/1988

Decided on 26.7.1991

PREM SINGH

... APPLICANT

VS.

MASTER GENERAL OF ORDNANCE
AND OTHERS

... RESPONDENTS

Shri R. L. Sethi, Counsel for the Applicant.

CORAM : HON'BLE MR. JUSTICE U. C. SRIVASTAVA, V.C.
HON'BLE MR. I. P. GUPTA, MEMBER (A)

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JUDGMENT (ORAL)

Hon'ble Mr. Justice U. C. Srivastava, V.C. (J) :

The applicant who was an employee of Ordnance Stores Section was placed under suspension on 7.12.1972. While under suspension, on 8.3.1975 he was served with a charge sheet and the charge levelled against him was that while under suspension he has been doing business of running a retail shop near his residential house since October, 1974 and that this act was in violation of rule 15(1) of the C.C.S. (Conduct) Rules, 1964. The second charge was that while under suspension he has been drawing subsistence allowance from 510 Army Base Workshop, Meerut on rendering a certificate to the effect that he is not engaged in any other employment, business, profession or vocation, as prescribed in Article 193 B (2) CSR. Thereafter four inquiry officers, one after the other, were appointed but nothing material was done by any one of them. It is stated that only one inquiry officer held inquiry on 9.12.1980 but no material business was transacted by him except asking the applicant whether he pleaded guilty

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or not; that the respondent No. 3 was not the disciplinary authority for the applicant. It appears that another charge sheet dated 19.12.1981 was issued by the disciplinary authority levelling the same charges as done earlier in the original charge sheet. Four inquiry officers were again appointed one after the other but no inquiry report has been made available to the applicant. The applicant has contended that there is no provision in the C.C.S. (CCA) Rules, 1965 allowing a disciplinary authority to issue a fresh charge sheet after cancelling the original one. Due to pendency of the disciplinary case against the applicant he was not allowed to cross the Efficiency Bar in August, 1978. The disciplinary case has been pending for more than 13 years.

2. The respondents have not filed any written reply and as such we proceed to dispose of the case on the basis of averments made by the applicant and documents available on record. It has been stated that during the pendency of the application the applicant has been taken back on duty. The respondents did not like to file a written statement. Accordingly this application deserved to be allowed and the charge sheet dated 19.12.1981 is hereby quashed. Consequences to follow.

No orders as to costs.

I. P. Gupta
(I. P. Gupta)
Member (A)

U. C. Srivastava
(U. C. Srivastava)
Vice Chairman (J)