

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Tuesday 8th day of August Two Thousand And Seventeen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/01278/2017

P. Mani,
Packer (Retired)
Government Medical Stores Depot,
Chennai- 600 003.

....Applicant

(By Advocate : M/s. S. Arun)

VS.

1. The Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi- 110 108;
2. The Director General of Health Services,
West Block, No.1.,
Wing No.6. R.K. Puram,
New Delhi- 110 066;
3. The Senior Chief Medical Officer (SAG),
Government Medical Store Depot,
Chennai- 600 003.

...Respondents

(By Advocate: Mr. K. Rajendran)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

The O.A. is filed by the applicant seeking the following reliefs:-

"to direct the 1st Respondent to pass Orders pursuant to the Rule 14 Charge Memo dated 11.05.2010 besides directing the authorities to grant Leave Salary payable to him including interest at the rate of 12% per annum."

2. The case of the applicant is that he retired as a Factory Hand at Government Medical Store Depot, Chennai. While he was working as such, on 11.05.2010, he was issued with Rule 14 Charge Memo containing two Articles of Charges, reply to which was submitted by the applicant on 06.09.2010 alleging some procedural irregularities. It is stated that the 3rd respondent proceeded with the inquiry without rectifying the procedural lapses in issuing the Charge Memo. Inquiry Officer was appointed and, in the meantime, applicant superannuated on 31.5.2013. Accordingly, Rule 14 Charge Memo dated 11.5.2010 was converted to proceedings under Rule 9 of the CCS(Pension) Rules, 1972. The applicant was sanctioned Provisional pension but not Leave Salary till date. There is also no decision on the part of the authority to withhold whole or part of the same.

3. It is stated that after prolonged proceedings which stretched for more than five years, finally on 10.4.2015, the Presenting Officer in the Inquiry submitted his brief. The applicant submitted his Defence Brief on 09.06.2015.

However, the 1st respondent till date has not taken any decision on the report of the inquiry officer. Hence, he has filed the instant O.A. seeking the aforesaid relief.

4. Mr. K. Rajendran, Learned Senior Standing Counsel takes notices for the respondents.

5. Heard. Learned counsel for the applicant submits that the applicant was issued with a Charge Memorandum dated 11.5.2010 (annexed at pages 7, 8 & 9) followed by the appointment of an Inquiry Officer. A written brief was submitted by the Presenting Officer dated 10.4.2015 at Annexure-A2. Applicant also submitted his Defence Brief in response thereto (Annexure -A3). However, the matter has not been proceeded with. Accordingly, he seeks necessary directions to the respondents in this regard.

6. In view of the limited relief sought, it appears that the ends of justice would be met in this case, if the respondents are directed to take a decision in the matter and communicate the same to the applicant within a time limit. As the Presenting Officer had already submitted his brief as long back as 10.4.2015 to which a Written Defence was also submitted by the applicant soon thereafter, the respondents are directed to take a decision on whether to proceed with the charges or drop the same within a period of two months from the date of receipt of a copy of this order. In the event of a decision to

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proceed with the inquiry, the inquiry shall be concluded within a period of four months thereafter. The O.A. is accordingly disposed of. No costs.