

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD**

OA/021/00458/2020



HYDERABAD, this the 09th day of September, 2020.

THE HON'BLE MR. ASHISH KALIA : JUDICIAL MEMBER

THE HON'BLE MR.B.V.SUDHAKAR : ADMINISTRATIVE MEMBER

Shri V.V.Krishna Sarma, S/o Sri V.Rama Murty,
Aged 59 years, Occ: Administrative Officer (Group-B),
O/o. Director General (South), Regional Outreach Bureau,
Ministry of Information & Broadcasting,
Room No.203, 2nd Floor, CGO Tower,
Kavadiguda, Hyderabad-500 080,
R/o 503, Lakshmi Shell Serenity,
Mayuri Nagar, Miyapur, Hyderabad. ...Applicant

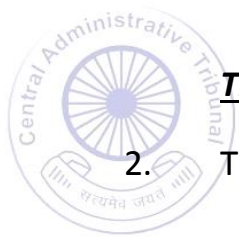
(By Advocate : Mrs. V . Deepti)

Vs.

1. Union of India, Rep by its Secretary,
Ministry of Information & Broadcasting,
'A' Wing, Shastri Bhawan,
New Delhi – 110001.
2. Director General,
Bureau of Outreach & Communication,
Min of Information & Broadcasting,
2nd Floor, Soochna Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110003.
3. Director General (South),
Regional Outreach Bureau,
Ministry of Information & Broadcasting,
Room No.203, 2nd Floor,
CGO Tower, Kavadiguda,
Hyderabad – 500080.Respondents

(By Advocate : Mrs.K.Rajitha, Sr. CGSC)

Oral Order**(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)**

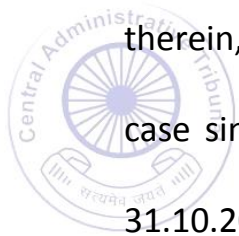
**Through Video Conferencing**

2. The OA is filed aggrieved over the delay in disposing of the charge memo issued to the applicant on 17.6.2016.

3. Brief facts of the case are that the applicant was issued a charge memo on 17.6.2016. On denying the charges, Inquiry Officer (IO)/Presenting Officer (PO) were appointed and since the inquiry was not conducted as per rules prescribed, OA 3186/2017 was filed before the Hon'ble Principal Bench of this Tribunal and the same is pending adjudication. However, the applicant later participated in the inquiry and as per his version, the IO has submitted Inquiry report in November 2019. Thereafter, respondents organisation was restructured and in view of the same, the 3rd respondent requested the 2nd respondent on 27.07.2020 to forward the file of the applicant to finalise the disciplinary proceedings (Annexure A-11). The 2nd respondent, instead of forwarding the relevant file, is making efforts to withhold promotion and retirement benefits of the applicant. Hence, the OA.


4. The contentions of the applicant are that the respondents are duty bound to finalise the disciplinary case. There has been unexplainable delay at every stage of the disciplinary proceedings. There have been inconsistencies in issue of orders and non-application of mind by the disciplinary authority is evident. Information sought under RTI Act was not furnished by the 2nd respondent indicating the weakness in conducting the proceedings. Vigilance clearance has been denied in view of the disciplinary case resulting in adversely impacting grant of promotion and processing of retiral benefits. In a similar case, R-2 has forwarded the file to

R-3 but not that of the applicant. The OA filed in the Hon'ble Principal Bench is different since the discrepancies noticed in the inquiry have been challenged therein, whereas in the present case, the prayer is for disposal of the disciplinary case since the applicant has participated in the inquiry. Applicant is retiring on 31.10.2020.



5. Heard both the counsel and perused the pleadings on record.

6. I. Applicant was issued the charge memo on 17.6.2016. More than 4 years have lapsed since the issue of the charge memo. Ld. Counsel for the applicant submitted that the Hon'ble Supreme Court has observed in **Prem Nath Bali v. Registrar, High Court Of Delhi & Anr** on 16 December, 2015 in Civil Appeal No.958 of 2010 that the disciplinary inquiry has to be completed in a period of 6 months as far as possible, but not beyond one year and that disciplinary cases have to be finalised in the shortest period of time by taking relevant measures on priority. Besides, DOPT has observed in many a circular that it would neither be in the interest of the organisation or that of the employees to delay disciplinary cases. In view of delay in disposal of the disciplinary case, the applicant claims that the promotions due are held up for want of vigilance clearance. Added is the anxiety of procrastination in processing of retirement benefits with his retirement date round the corner on 31.10.2020, is one another contention of the applicant. He further states that the 2nd respondent has not furnished information regarding the issue when queried under RTI Act. With the restructuring of the respondents organisation by merging of some units, the 3rd respondent did write to the 2nd respondent to forward the relevant file, for taking necessary action. However, there has been no response from the 2nd respondent, although in a similar case the 2nd respondent did act to send the relevant file to the 3rd respondent. The



applicant made it clear that the OA filed before the Hon'ble Principal Bench is in regard to a challenge to the inquiry proceedings and that in the present case, he is only pleading to complete the disciplinary case for having participated in the inquiry. However, the applicant has not enclosed the said OA No.3186/2017 filed before the Hon'ble Principal Bench for a perusal by this Bench. This OA was filed on 17.08.2020 and came up earlier for hearing on 3 occasions viz., 19.8.2020, 21.8.2020 and 4.9.2020. Ld. Sr. Standing Counsel for the Respondents promised to revert with standing instructions, but did not do so despite giving ample opportunities, knowing pretty well that the applicant is due to retire shortly. The retirement date of the applicant being 31.10.2020, which is just one and half months away, keeping in view the Hon'ble Apex Court judgment cited, the first respondent is directed to look into the matter and direct the competent disciplinary authority to examine the legal import of the OA filed before the Principal Bench and thereafter, decide disposal of the disciplinary case, before the retirement date of the applicant and if not possible for any unavoidable reasons, the decision to dispose of the disciplinary case shall not be beyond 4 months from the date of receipt of this order as per relevant rules and in accordance with law.

II. With the above direction, the OA is disposed, with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

VI/evr