

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH: DELHI

O.A. NO. 1754 OF 1987.

DATE OF DECISION: 9-8-1991.

Shri R.D.Sharma

.. Applicant.

v.

Union of India and others.

.. Respondents.

COURT:

Hon'ble Mr. G.Sreedharan Nair, .. Vice-Chairman.

Hon'ble Mr. S.Gurusankaran, .. Member(A)

Shri G.D.Gupta, Counsel for the applicant.

Shri P.P.Khurana, Counsel for the respondents.

S.GURUSANKARAN, MEMBER(A):

JUDGMENT

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant who was working as Stenographer Grade-C in the Ministry of Home Affairs, has prayed for quashing the Memorandum dated 22-5-1987 (Annexure-A) under which the respondents have informed him that his increments of pay from November, 1984 onwards would be regularised after the Disciplinary proceedings for unauthorised absence initiated against him. He has also prayed for quashing the disciplinary proceedings initiated against him vide Memorandum dated 17-4-1985 (Annexure-D) as vexatious. He has also prayed for issuing a direction to the respondents to regularise the absence in accordance with Leave Rules as absence on leave and pay him the arrears of pay and allowances along with increments, DA arrears, bonus and other monetary benefits as admissible and due to him.

2. This application was heard along with O.A.No.593 of 1988, in which the same applicant had challenged the validity of the orders retiring him prematurely w.e.f. 7-4-1988.

[Signature]

3. We have heard both the parties and perused the records. We do not find any irregularity in the memorandum of charges issued to him vide Annexure-D. The charges are about unauthorised absence w.e.f. 18-10-1984 and the statement of imputation clearly brings out the material on which the charges are based. A list of witnesses has also been given. No valid grounds have been put forward by the applicant to support his contention to quash the disciplinary proceedings initiated against him. On the other hand, the respondents have produced adequate material to establish a *prima facie* case of unauthorised absence against the applicant based on which the charge sheet has been issued. ~~We also observe that O.F. No. 593 of 1983 (supra) has been dismissed by us to-day. Hence, it is for the respondents to take a decision as per law to proceed with the enquiry or not.~~

4. Since we do not find sufficient grounds to quash the disciplinary proceedings, we are unable to hold that the Memorandum at Annexure-A is illegal as the increments and other consequential monetary benefits can be given only based on the outcome of the disciplinary proceedings. Consequently, we cannot also issue any direction to the respondents regarding regularisation of period of absence and payment of arrears of pay and allowances and other dues.

5. In the circumstances, we direct the respondents that since the applicant has been prematurely retired w.e.f. 7-4-1988, they should take a final decision as per law regarding continuation of the disciplinary proceedings and in case they decide to continue ~~with~~ the same, the enquiry should be completed and orders ^{passed} within a period of four months from the date of receipt of a copy of this order. We also direct the applicant to co-operate with the respondents in finalising the enquiry, in case they decide to continue ~~with~~ the same.

6. The application is ~~dismissed with the above direction.~~ ^{disposed of as above - 8}

MEMBER(A)

Dr. S. S. AIRMAN. (S-188)