

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 2207/90
T.A. No.

199

DATE OF DECISION 24.9.1991

Shri Hoshier Singh

Petitioner Applicant

Shri S.C. Mehta

Advocate for the Petitioner(s)

Versus

Union of India & Others

Respondent

Shri P.H. Ramchandani

Advocate for the Respondent(s)

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The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

(Judgement of the Bench delivered by Hon'ble
Mr. P.K. Kartha, Vice-Chairman)

The applicant is a retired Deputy Supdt. of Police of the Central Bureau of Investigation (C.B.I.). He retired on attaining the age of superannuation on 31.5.90.

2. About two months prior to his retirement, the respondents issued to him a memorandum on 6.3.1990, proposing to hold disciplinary against him for major penalty under Rule 14 of the C.C.S. (CCA) Rules, 1965. The alleged misconduct on the part of the applicant was stated

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to be the following:-

- (i) That he allegedly without the previous knowledge of the Prescribed Authority completed the construction of his house in June, 1985 and sought permission from the Department on 24.1.86.
- (ii) That he allegedly furnished wrong information in the Property Return for the year 1986-87 intimating the cost as Rs. 1,29,150/- whereas he spent Rs. 2,82,000/- as per assessment done by the Executive Engineer of C.B.I.
- (iii) That he is alleged to have let out the said premises on rent to Mrs. Kuldip Kaur in the year 1985 and to S/Shri S.S. Chhabra, R.P. Chhabra and M/s Rinky Fashions during the year 1988 without the previous knowledge of the Prescribed Authority.

3. The applicant has prayed for quashing the aforesaid inquiry on the ground that there is no imputation of misconduct causing any pecuniary loss to the Government by the alleged act or omission on his part. He has also submitted that no order of recovery from pension can be made as no pecuniary loss is alleged to have been caused to the Government. He has prayed for giving directions to the respondents to release his regular pension, gratuity, commutation of pension and other retirement benefits.

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4. The applicant has contended that the alleged charges have been framed against him through "hostile and biased action of some senior officers of the Department who were deadly prejudiced" against him. He has not, however, substantiated this allegation. He has also not impleaded as respondents the persons against whom he has alleged mala fides.

5. The respondents have denied the allegation of mala fides in the counter-affidavit filed by them. They have also contended that the alleged acts and omissions on the part of the applicant constitute grave misconduct.

6. We have gone through the records of the case and have considered the rival contentions. In *Amrit Singh Vs. Union of India & Others*, 1988 (4) SLJ (CAT) 1023, a Full Bench of this Tribunal has held that disciplinary proceedings can be continued against a Government servant even after his retirement under the C.C.S. (Pension) Rules even where there has been no pecuniary loss to the Government for the alleged misconduct on his part. The Full Bench has also held that gratuity can be withheld in such a case.


7. We do not propose to examine the merits of the rival contentions as to the alleged misconduct which is the subject matter of the impugned memorandum dated 6.3.1990. The law should be allowed to take its own course. Whatever

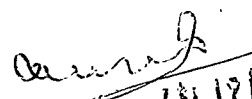
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defence or explanation the applicant has, may be advanced before the Inquiry Officer, the Disciplinary Authority and the Appellate Authority. We do not consider it appropriate to quash the impugned memorandum at this stage. At the same time, we feel that the Disciplinary Authority should conduct the proceedings and pass final orders expeditiously.

8. In the light of the above discussion, the application is disposed of with the directions to the respondents to conduct the inquiry and pass final orders as expeditiously, as possible, but in no event, later than six months from the date of communication of this order. We also direct that the applicant should fully cooperate in the conduct of the inquiry. In case the applicant feels aggrieved by the final orders passed by the authorities concerned, he will be at liberty to file a fresh application in the Tribunal in accordance with law after he has exhausted the remedies available to him under the relevant rules. The applicant is not entitled to any other reliefs..

9. There will be no order as to costs.


(B.N. Dhoundiyal) 24/9/91
Administrative Member


24/8/81
(P.K. Kartha)
Vice-Chairman(Judl.)