

(22)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA. No.2232 of 1990

Dated New Delhi, this 2nd day of January, 1995.

Hon'ble Shri J. P. Sharma, Member (J)
Hon'ble Shri B. K. Singh, Member (A)

Shri N. S. Bhatnagar
R/o 12/111, Dev Nagar
Karol Bagh
NEW DELHI.

... Applicant

By Advocate: None

Versus

Delhi Administration
Through Chief Secretary
5, Alipore Road
DELHI.

... Respondents

By Advocate: Shri Rajendra Pandita

ORDER
(Oral)

Shri J. P. Sharma, M(J)

The applicant since retired on 30.10.90, has challenged the findings of the Inquiry Officer dated 16.6.88 given by him in pursuance of a departmental disciplinary enquiry under rule 14 of the CCS(CCA) Rules, 1965. He has also amended the OA with respect to the relief wherein he has prayed that due to long delay the pending disciplinary proceedings against him be quashed that and direct / the full and final retirement benefits payable to him such as leave encashment amount, D.C.R.G., balance of Provident Fund, Insurance Scheme deposits etc. be paid to him with ten per cent interest. He has also sought promotion to the post of Grade-II (Head Clerk/Assistant) in the old scale of Rs.425-700 and subsequent higher post with consequential relief from the

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date i.e., 5.9.81 when a junior to him has been promoted.

2. We heard the learned counsel for the applicant Shri P. L. Mimroth as well as Shri S. C. Luthra on 13.12.94 and again on 21.12.94. To-day, none appears on behalf of the applicant and Shri Rajendra Pandita appears as counsel for the respondents.

3. The stand of the respondents is that when the applicant was posted at G. B. Pant Hospital, New Delhi there was some misconduct alleged of the year 1987 and the matter was taken up by the Directorate (Vigilance), Government of National Territory of Delhi, Delhi. Shri K. K. Jindal, Assistant Commissioner (Sales Tax) was appointed as Inquiry Officer and he had submitted his report. The report has been supplied to the applicant for filing a representation against the same. Since then the Directorate of Vigilance had not conveyed its decision to the department. In view of this, the retiral benefits of the applicant could not be paid except that he has been paid a provisional pension vide authority dated 23.9.91.

4. When we heard the learned counsel for the applicant the other day who also made a submission to withdraw this application and to file a fresh one. But none is present on behalf of the applicant to-day.

5. Taking that submission of the learned counsel for the applicant addressed to us on that day and, as no final order has since been passed in the departmental proceedings and an interim order/report of the Inquiry Officer cannot be challenged unless a final order is passed in the enquiry, we hold that the application is premature.

6. We, therefore, dismiss this application as withdrawn with the liberty to the applicant to file a fresh application. We do observe that the respondents should take expeditious steps to dispose of the pending departmental enquiry against the applicant.


(B. K. SINGH)
Member(A)


(J. P. SHARMA)
Member(J)

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