

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

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Regn.No.OA 2592/1990

Date of decision:20.07.1993

Shri Sham Lal

...Petitioner

Versus

Commissioner of Police, Delhi & Others

...Respondents

For the Petitioner

...In person

For the Respondents

...Shri P.K. Bahl, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)
(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman)

The material facts are these. Admittedly, disciplinary proceedings were initiated against the petitioner by an authority subordinate to the President of India. The Enquiry Officer submitted his report. The petitioner retired from service on 30.04.1990. No final order have been passed so far in the disciplinary proceedings. The payment of D.C.R.G. to the petitioner is withheld.

2. The prayers in this application are these. The orders dated 9.6.1988 and 14.09.1990 passed by S/Shri Siama and Brar respectively may be quashed. The respondents may be directed to release to the petitioner the pension, gratuity and other pensionary benefits.

3. In the purported exercise of power under Rule 15(2) of the Delhi Police (Punishment and Appeal) Rules, 1980, Shri Siama directed that the petitioner should be dealt with departmentally under Section 21 of the Delhi Police Act. By his order, Shri Brar held the petitioner guilty. However, he felt that since the petitioner

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retired from service, no order imposing any penalty could be passed by him and the matter had to be referred to the President of India under Rule 9 of CCS (Pension) Rules.

4. Admittedly so far, the President has not taken any decision in the matter referred to him under Rule 9(2) of the Pension Rules. We are now at the end of July, 1993. Considerable time has elapsed. In spite of the order dated 20.02.1992 passed by this Tribunal in this OA that the petitioner cannot be paid arrears of DCRG, as disciplinary proceedings are pending against him, no action has been taken so far by the President of India.

5. The facts of the case require that the petitioner's matter should be disposed of very expeditiously. After giving a thoughtful consideration, we are constrained to issue a positive direction to the Union of India to dispose of the matter within a specified time. We accordingly direct the Minister in-charge under the Rules of Business to pass final order under Rule 9(2) of the Pension Rules as expeditiously as possible but not beyond a period of 4 months from the date of presentation of a certified copy of this order by the petitioner in the Ministry of Home Affairs. Keeping in view the fact that the petitioner has been suffering for the past three years, we direct that if no order is passed within the time specified, the disciplinary proceedings pending against the petitioner shall stand dropped. Thereafter, the respondents shall pay to the petitioner the DCRG etc. within a period of six weeks. We make it clear that if a decision is taken under Rule 9(2) of the Pension Rules, the disciplinary proceedings against the petitioner should go on. The DCRG may not be paid to him till the culmination of the proceedings.

6. With these directions, this application is disposed of finally but without any order as to costs.

B. N. Dhoundiyal
(B.N. DHOUNDIYAL)
MEMBER (A)
20.07.1993

S.K. Dharon
(S.K. DHAON)
VICE CHAIRMAN
20.07.1993