

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. 813/91

Date of decision 05.05.92

R.L. Khanna

Applicant

Shri K.L. Bhatia,

Counsel for the applicant

vs.

Union of India

Respondents

Shri P.P. Khurana

Counsel for the respondents

CORAM

The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman(J).

The Hon'ble Mr. I.P. Gupta, Member (A).

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?

(Judgment of the Bench delivered by Hon'ble Shri I.P. GUPTA, Member (A).)

JUDGMENT (ORAL)

This is an application filed under Section 19 of the Administrative Tribunals Act of 1985. The applicant has sought multiple reliefs and on being confronted with this point, he agreed to press for only relief No.(i), i.e., the respondents may be directed to withdraw and set aside the chargesheet issued on 8.2.90 under Rule 16 of the CCS (CCA) Rules, 1965, on the basis of the alleged discrepancy noticed during the period prior to 1982 and also allow him the consequential relief.

2. The chargesheet is at Annexure 2 and is dated 8.2.90. This is under Rule 16 of the CCS (CCA) Rules 1965. Rule 16 of the CCA (CCS) Rules lays down the procedure for imposing any of the minor penalties, namely, censure; withholding of promotion; recovery from pay of the whole or part of any pecuniary loss caused by him to the Government and withholding of increments of pay. It will be seen from the nature of the penalties that even if they

are continued beyond the date of retirement of the applicant, i.e., 1.3.90, and even if they are proved, the penalty, if ordered, will be of no consequence in so far as the applicant is concerned. There is also the important circumstance that the imposition of the penalty under sub-rule (1) of Rule 9 of the Pension Rules can be done only if the pensioner is found guilty of grave misconduct or negligence during the period of his service. It follows that the issue of memorandum of charges against a Government servant prior to his retirement under Rule 16 of the Rules for the imposition of a minor penalty contemplated under Rule 11 of the Rules will not enable the disciplinary authority to continue the proceedings after his retirement invoking the fiction incorporated in sub-rule (2) of Rule 9 of the Pension Rules. Attention in this connection is also invited to the case of Dr. Suresh C. Singhal vs. Union of India & Ors. (1992 (1) A.T.J. 447) where it has been observed that in a case where the proceedings initiated under Rule 16 are not completed, before the retirement of a Government servant, such proceedings automatically come to a close. The disciplinary authority should have taken steps to see that the minor penalty proceedings instituted against the applicant who was due for retirement were finalised quickly and in time before the date of retirement of the applicant.

3. In the conspectus of the aforesaid facts, the chargesheet dated 8.2.90 in regard to allegations which are a decade old, under Rule 16 of the CCS (CCA) Rules 1965 against the applicant who has retired has lost meaning and is quashed. The disciplinary proceedings initiated as a result of this chargesheet will come to a close and consequential benefits, if any, if at all withheld as a result of the pendency of the disciplinary proceedings, should also flow to the applicant early.

4. With the aforesaid directions and order, the O.A. is disposed of finally with no order as to costs.


(I.P. GUPTA)

MEMBER (A)

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(RAM PAL SINGH)

VICE-CHAIRMAN (J)