

In the Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1064/91

Date of decision: 20.04.1993.

Shri Babu Lal Saini

...Petitioner

Versus

Director (Technical Education) & Another

...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioner

Shri S.K. Bisaria, Counsel.

For the respondents

None

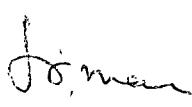
Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra, Member (A))

The relief prayed for in this O.A. is to quash the chargesheet alongwith the enquiry proceedings initiated on the basis of the chargesheet dated 22.5.1990. The Tribunal had passed an interim order on 27.5.1991, directing the respondents not to pass any final orders in the departmental enquiry initiated against the applicant by Memorandum dated 22.5.90. The case of the petitioner for quashing the chargesheet is that the petitioner was earlier chargesheeted in 1985 and the said chargesheet was withdrawn. He has again been served a chargesheet on 22.5.1990 more or less on similar charges. A close perusal of the two chargesheets indicates that the chargesheet served in the year 1990 contains 10 articles of charges and includes charges which are alleged to have been committed by the petitioner between the period 1985 and 1991. Two chargesheets are, therefore, distinct from each other. A few articles of charge are admittedly the same as appeared in the chargesheet of 1985. But that fact itself does not vitiate the proceedings.

2. The second ground on which the learned counsel assailed the chargesheet is that the charges made relate to the period commencing 1979 and that the chargesheet is highly belated. As stated earlier the charges no doubt commence from 1979 but they also cover the period 1985-1990. After the final orders are passed the petitioner can raise all these issues initially in the departmental forum and if he is not satisfied or aggrieved by the final order he can certainly approach the Tribunal for seeking relief. He cannot, however, be granted this relief at this stage.

3. In the facts and circumstances of the case, we do not see any justification for continuing the interim order passed on 27.5.1991. The same is hereby vacated. Nothing survives in this O.A. in view of the above order. We, however, make it clear that the petitioner shall be at liberty to approach the Tribunal if so advised, if he is aggrieved by the final order passed by the respondents.

4. The O.A. is disposed of as above. No costs.


(J.P. SHARMA)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)

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