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Central Administrative Tribunal, Principal Bench, New Delhi

O.A.No.1584/2004

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. S.K. Naik, Member(A)

New Delhi, this the 17<sup>th</sup> day of November, 2004

Dr.R.U. Ahmed,  
SF-51, Shastri Nagar,  
Ghaziabad-201002

.....Applicant

(By Advocate: Shri M.K. Bhardwaj)

Versus

Union of India & Ors. through

1. The Secretary,  
Department of Ayush,  
Govt. of India,  
Ministry of Health & Family Welfare,  
Red Cross Building, New Delhi-1
2. The Joint Secretary,  
Department of Ayush,  
Govt. of India,  
Ministry of Health & Family Welfare,  
Red Cross Building, New Delhi-1
3. The Director (Ayush),  
Department of Ayush,  
Govt. of India,  
Ministry of Health & Family Welfare,  
Red Cross Building, New Delhi-1
4. The Director (Incharge),  
PLIM, CGO Complex,  
Building No.1, Kamla Nehru Nagar,  
Ghaziabad-201002

.....Respondents

(By Advocate: Shri Madhav Panikar)

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Order(Oral)

Justice V.S. Aggarwal, Chairman


On 6.4.2004 while disposing of O.A.846/2004 filed by the applicant, this Tribunal had directed specifically that disciplinary authority should consider and pass an appropriate order as to whether the plea of the applicant of inordinate delay in serving of the charge can be a ground for not proceeding with the enquiry or not. It was directed that a speaking order should be passed.

2.In pursuance of this direction, the disciplinary authority had passed the order of 28.5.2004 which is Annexure A-1 at page 21.


3.The grievance of the applicant is that question of delay raised by him has not been considered.

4.We have gone through the impugned order of 28.5.2004. It clearly shows that though on merits of the matter, facts have been recorded but question of delay has not been discussed though it was noticed that this Tribunal had directed to consider the plea of the applicant pertaining to delay. Inadvertently, it appears that disciplinary authority missed that important aspect regarding which direction had been given.

5.Resultantly, for the present, without delving into the merits of the matter, we quash the impugned order and direct that within one month from today, a fresh order may be passed and communicated to the applicant.

  
( S.K. Naik )  
Member(A)

/dkm/

  
( V.S. Aggarwal )  
Chairman