

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. 1936/92

Date of decision: 11.12.92

N.K.Kapoor

.. Applicant

Versus

Delhi Administra-  
tion.

.. Respondents.

Ms. Jawinder Kaur

.. Counsel for the applicant.

Ms. Gita Luthra

.. Counsel for the respondents.

CORAM

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

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

J U D G E M E N T

(Delivered by Hon'ble Sh. Justice Ram Pal Singh, V.V.(J))

The applicant in this O.A., filed under Section 19 of the Administrative Tribunals Act, 1985, has prayed for quashing the enquiry proceedings pending against him from the year 1982. The applicant has also prayed for release of salary to him.

2. The applicant is employed with the respondents in the Education Department. In the year 1982 on 26.6.82 the applicant was served with a chargesheet pertaining to misconduct allegedly committed by the applicant between 1970-1977. According to the applicant the chargesheet was served upon him after five years of the alleged misconduct and the same departmental enquiry is continuing for the last ten years. Due to unusual delay and stale charges made against him in the departmental enquiry, he prays for quashing the same. On notice the respondents appeared and filed their counter admitting therein that the departmental enquiry is pending against the applicant. They have also accepted the fact that the charges relate to the period from the year 1970-1977. They have denied that the charges which are being enquired against the applicant are false,

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frivolous, stale and concocted.

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3. Ms. Jaswinder Kaur appeared for the applicant and contended at the bar that the enquiry in 1982/<sup>was</sup> initiated after five years of the alleged misconduct, hence, it should be quashed. She further contended that the respondents have not been able to conclude this departmental enquiry against the applicant from the year 1982 till 1992. This long pendency of the departmental enquiry has resulted in great anguish and financial loss to the applicant. Mrs. Gita luthra appeared for the respondents who controverted these arguments and maintained that the respondents have got every right to continue the enquiry.

4. After hearing both the counsels and perusing the documents, we are of the view that the departmental enquiry has taken undue long time for conclusion and in concluding, after a lapse of ten years, no findings have been given. But the contentions of the applicant can only be adjudicated during the departmental enquiry. We are, therefore, of the view that the respondents should conclude the enquiry as expeditiously as possible. We, therefore, make the following directions:-

- i) Respondents are directed to conclude this long pending enquiry within a period of two months from the date of receipt of a copy of this order.
- ii) We further direct that ~~the~~ day-to-day hearing be carried out for concluding this enquiry. No undue and unreasonable adjournments should either be given to the Presenting Officer or to the delinquent.
- iii) If the applicant is aggrieved by the orders of the departmental enquiry, he may challenge the same before the Appellate Authority and if

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thereafter he is aggrieved he can file a fresh  
O.A. before this Tribunal and all the grounds raised  
in this O.A. shall <sup>remain</sup> / open to him. With these  
directions this O.A. is finally disposed of with  
no order as to costs.

*I. P. Gupta*  
( I.P.GUPTA ) 11/12/92  
MEMBER(A)

*Ram Pal Singh* 11.12.92  
(RAM PAL SINGH)  
VICE CHAIRMAN(J)