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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No.2172 of 1993

New Delhi this the 23rd day of December, 1993

Mr. Justice S.K. Dhaon, Vice-Chairman  
Mr. B.N. Dhoundiyal, Member

Shri Surender Mohan Saxena  
S/o late Shri Gouri Sahai Saxena,  
R/o 25-MIG Flats,  
Prasad Nagar,  
New Delhi.

...Petitioner

By Advocate Shri G.D. Gupta with Mrs. Meera Chhibber

Versus

1. Union of India through  
The Secretary,  
Ministry of Finance,  
North Block,  
Central Secretariat,  
New Delhi.

2. Under Secretary to the Govt. of India,  
C.B.D.T Department of Revenue,  
Ministry of Finance,  
North Block,  
New Delhi.

...Respondents

By Advocate Shri V.P. Uppal

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

The principal prayer is that the disciplinary proceedings initiated against the petitioner on the basis of the charge-sheet dated 18.11.1991 may be quashed.

2. Affidavits have been exchanged between the parties even at the admission stage. We have heard the learned counsel for the parties and we are disposing of this matter finally.

3. Admittedly, a charge-sheet was given to the petitioner on 18.11.1991. The proceedings are still going on. According to the petitioner, the proceedings are being delayed deliberately so as to mar his chances of promotion. This is refuted by the department. Be that as it may, there can be no getting away from the fact that if the proceedings are continued for an indefinite period, the chances of promotion of the petitioner will be jeopardized because the

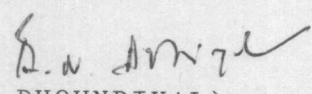
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
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recommendations <sup>of the DPC</sup> have to be kept in a sealed cover during the pendency of the disciplinary proceedings against the petitioner.

4. Having considered the matter with anxiety, we are of the opinion that we should pass an order which should adjust equities between the parties. We accordingly direct that the enquiry officer shall complete the disciplinary proceedings within a period of 3 months. He shall submit his report to the appropriate authority. We make it clear that if the petitioner does not cooperate in the enquiry, it will be open to the enquiry officer to proceed ex-parte. If the enquiry officer exonerates the petitioner, his case for promotion shall be considered on merits and in accordance with law on the footing that no disciplinary proceedings are pending against him. Of course the promotion, <sup>if made,</sup> shall be subject to the final outcome of the disciplinary proceedings. No further orders are necessary at this stage.

5. We make it clear that we shall not extend the period fixed by us for completing the enquiry unless there are compelling circumstances.

6. With these observations, this O.A. is disposed of finally but without any order as to costs.

  
(B.N. DHOUNDIYAL)  
MEMBER (A)  
23.12.1993

  
(S.K. DHAON)  
VICE CHAIRMAN  
23.12.1993

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