

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

Q.A. 2466/93

New Delhi this the 25th day of November, 1993.

THE HON'BLE MR J.P. SHARMA, MEMBER (J)
THE HON'BLE MR B.K. SINGH, MEMBER (A)

Shri Raghunandan Kumar,
Physio Therapist,
Department of Rehabilitation
Safdarjung Hospital,
NEW DELHI

...Applicant

(By Advocate Shri S.C. Saxena)

Versus

1. Union of India through
the Secretary,
Ministry of Health,
Nirman Bhavan
New Delhi.
2. Medical Superintendent,
Safdarjung Hospital
New Delhi
3. The Director General Health
Service, Nirman Bhavan
New Delhi

...Respondents

(By Advocate :None for the respondents)

ORDER (Oral)

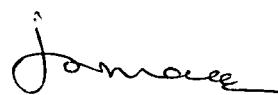
(By Hon'ble Mr J.P. Sharma, Member (J)

The applicant was served with a Memo of chargesheet dt 30th March, 1992 with the article of charge that in the year 1991, he failed to maintain absolute integrity in as much as in connivance with Shri G.D. Kapoor, U.D.C. Ministry of Health Section, DGHS tempered with and manipulated the A.C.Rs of physio-therapist working in the Safdarjung Hospital including his own with mala fide intention to ensure his selection to the post of physio therapist in the said hospital and thereby contravene Rule (3) in (1)(i)III of C.C.S (Conduct) Rules, 1964. His grievance is that the enquiry aforesaid be dropped. We have heard the learned counsel for the applicant and the contention of the learned counsel is that

by virtue of pendency of this chargesheet, the applicant will lose chains of promotion. however, as held by the Hon'ble Supreme Court in the case of Union of India V/s K.V. Janaki Raman reported in Judgement today 1991 Vol III SC Page 527 if the chargesheet has already been served the question of promotion does not arise but if subsequently the delinquent is in seniority in the departmental enquiry he shall be entitled to benefit which may accrue to his juniors, provided he is found fit for promotion. Secondly, if the case of the applicant is due for consideration, it shall be kept in a sealed cover and the recommendation of the DPC shall be vacated but after the complain of the departmental enquiry.

2. The learned counsel also argued that his contention that the enquiry against the applicant be concluded at the earliest and it is expected that respondents should be taking minimum reasonable time to dispose of the same expeditiously. No case for dropping of the departmental enquiry is made out. The present application No.2466/93 is, therefore, dismissed.


(B.K. SINGH)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)

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