



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 294/2021

This the 15th Day of July, 2021

(Through Video Conferencing)

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Pravin Kumar
 Son of Shri Ram Yatan Prasad,
 Executive Engineer (SG)
 Deputy Commander Works Engineer
 O/of the Commander Works Engineer
 S I Line, Bhopal – 462001.
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... Applicant

(By Advocates : Shri Rajesh Katyal and Shri Susheel Sharma)

Versus

1. Union of India,
 Through Secretary,
 Ministry of Defence,
 Government of India,
 Sena Bhawan,
 New Delhi – 110 011
 Email: defsecy@nic.in
2. Chief Vigilance Officer (MES & BRO)
 Room No. 36, Kashmir House,
 Rajaji Marg (Government of India)
 Department of Defence
 Ministry of Defence
 Email: naveenjain.irs@nic.in
3. Engineer-in-Chief Branch,
 Integrated HQ of MoD (Army),
 Kashmir House,
 Rajaji Marg, New Delhi 0 110 011.

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4. Director (Vigilance),
Room No.341-A, 'B' Wing
Government of India,
Ministry of Defence,
Sena Bhawan, New Delhi – 11
5. Mr. Vijay Kumar (IDSE)
SE, Director (E/M)
Military Engineer Services
HQ Chief Engineers (Navy)
26 Assaye Building
Colaba, Mumbai – 400 005
E-mail:vijayk158-cgo@gov.in

... Respondents

(By Advocate : Shri R.S. Rana)



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant is an Executive Engineer in the Ministry of Defence. He was issued a charge memo dated 18.11.2004 with certain allegations. For one reason or the other, the proceedings were delayed, and the Inquiry Officer (IO) submitted its report on 10.07.2012. The Disciplinary Authority (DA) passed an order dated 19.04.2018, directing further inquiry. The applicant filed OA No. 2381/2018, challenging the said order. The OA was allowed on 10.01.2019, by setting aside the order dated 19.04.2018. It was observed that the reasons stated by the DA in the said order do not accord with the law and further steps need to be taken as per the relevant provision of law.

2. The respondents filed WP No.11974/2019 before the Hon'ble High Court of Delhi. The Writ Petition was disposed of on 15.01.2019, giving three options to the DA, namely to issue disagreement note, or to furnish copy of the report of the IO to the applicant and call for his remarks, or to remit the matter back to the IO. In the light of the said order, the DA passed an order dated 16.09.2020, directing further inquiry into the matter and appointed IO. The IO, in turn, issued a note of hearing dated 21.01.2021. This OA was filed challenging two orders dated 16.09.2020 and 21.01.2021.

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3. The applicant contends that the very grounds, which weighed with the Tribunal in the OA No.2381/2018, hold good in the present OA also, particularly, when no reason whatever was stated by the respondents, while issuing the impugned order.

4. We heard Shri Rajesh Katyal and Shri Susheel Sharma, counsel for the applicant and Shri R.S. Rana, counsel for the respondents.

5. It is true that the order, directing the further inquiry, was set aside by this Tribunal by finding that the reasons assigned therein are not legal. The Hon'ble High Court gave three options to the DA and the latter, in turn, has chosen the last of the options. Therefore, we cannot hold that there is any illegality in the impugned orders.

6. Since the matter is pending for past one and half decades, we dispose of the OA, directing that the disciplinary proceedings will be concluded within a period of four months from the date of receipt of a copy of this order. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman