



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

OA No. 1885/2020

This the 04th day of May, 2021

(Through Video Conferencing)

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

D. S. Bhadrai,
Aged about 63 years,
S/o Lt. Shri Lakshman Singh Bhandari,
R/o E/92, Prem Kutir Apartment,
Sector -9, Rohini, Delhi – 110085.

... Applicant

(By Advocate: Mr. Arun Bhardwaj, sr. Advocate assisted by
Ms. Gauraan Bhardwaj)

Versus

1. Union of India thorough,
Secretary of Ministry of Labour and Chairman,
Standing Committee (Appellate Authority under
Regulation 19, The Employees' State Insurance
Corporation (Staff and Conditions of Service) Regulations,
1959) Shram Shakti Bhawan, New Delhi.
2. The Employees State Insurance Corporation,
Through Director General,
Panchdeep Bhawan, CIG Road, New Delhi.
3. Shri S. K. Gard (New Inquiry Officer),
Insurance Commissioner,
(Retd.), House No. 82,
Shanti Vihar,
Karkardooma, Delhi – 110092.
(Served through Department)

... Respondents

(By Advocate : Mr. Rajesh Kumar)



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant was working as Deputy Director in the Employees' State Insurance Corporation (ESIC). He was issued with a charge memorandum dated 17.07.2017, with certain allegations. On denial of the charges by the applicant, an Inquiry officer (IO) was appointed, who in turn submitted a report. Stating that the IO by name Mr. B. S. Sandhu submitted an inconclusive report, the Disciplinary Authority (DA) passed an order dated 17.07.2020 appointing another officer by name Mr. S. K. Garg as IO. Challenging the said order, the applicant filed the present OA. He raised several contentions such as illegality on the part of the DA in not accepting the report of the IO, continuing the disciplinary proceedings after his retirement from service and there not being any nomination of an authority, to discharge the powers of President under CCS (Pension) Rules, 1972.

2. The respondents filed a detailed counter affidavit dealing with every contention urged by the applicant. According to them, the report of the IO was inconclusive, and in exercise of powers under Regulation 23 of the ESIC (Staff and Conditions



of Service) Regulations, 1959 and in view of the fact that the IO, who was appointed earlier to the retirement of the applicant from service, the impugned order was passed. It is stated that the CCS (Pension) Rules are applicable to the employees of the ESIC, and according to Regulation 24-A, the powers exercisable by the President under those rules, are conferred upon the Standing Committee.

3. Today, we heard Mr. Arun Bhardwaj, learned senior counsel assisted by Ms. Gauraan Bhardwaj and Mr. Rajesh Kumar, learned counsel for the respondents, in detail.

4. In all fairness, learned senior counsel for the applicant submitted that the various contentions raised by the applicant can be left open to be dealt with at an appropriate stage, and for the present, the IO appointed through the impugned order, may be required to submit his report within a stipulated time and the DA also be directed to conclude the proceedings at the earliest, in view of the fact that the applicant is not receiving pension.



5. We, therefore, dispose of the OA directing that:

- (a) the disciplinary proceedings pending against the applicant shall be concluded within a period of 6 months from the date of receipt of a copy of this order and the applicant shall extend his cooperation;
- (b) it shall be open to the applicant to raise all the contentions that are raised in this OA at the appropriate stage, and we make it clear that no final view is expressed by us on any of them.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Lalit/ankit/dsn