

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 30th day of April, 2001

C O R A M :- Hon'ble Mr. S.K.I. Naqvi, J.M.  
Hon'ble Mr. S. Biswas , A.M.

Original Application No. 1274 of 1999

Sunder Pal S/o Sri Nanak Chand  
Executive Engineer (Elect) T.E.D, Meerut,  
E-11, Shastri Nagar, Meerut (U.P.)  
R/o III-A, 118/6, Nehru Nagar, Ghaziabad (U.P.)

.....Applicant

Counsel for the applicant :- Sri S. Agrawal  
Sri S.K. Mishra

V E R S U S

1. Union of India through it's Secretary,  
Ministry of Communication, Department of Telecom.  
Sanchar Bhavan, New Delhi, 110001.
2. The Deputy Director General (Vig),  
Department of Telecommunications, West Block-I,  
Wing No.2, Ground Floor, R.K. Puram,  
New Delhi- 110066.
3. The Desk Officer (Vig-II)  
Ministry of Communications, West Block- I,  
Wing- 2, R.K. Puram Sector-1, New Delhi- 110066.

.....Respondents.

Counsel for the Respondents :- Sri R.C. Joshi.

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O R D E R (Oral)

(By Hon'ble Mr. S.K.I Naqvi, J.M.)

The applicant has come up seeking relief to the effect that the charge-sheet dt. 29.06.98 alongwith statement of imputation may be quashed and consequential reliefs be granted to the applicant.

2. The relief has been claimed on the sole ground that the charge-sheet is illegal, arbitrary and out of malafide which has been issued after laps of long period and therefore, liable to be quashed. The applicant has also mentioned <sup>in</sup> the pleadings that under similar circumstances the other bench of the Tribunal at Jodhpur in O.A No. 268/98 decided on 07.01.99 considered the point of delay at length and granted relief to the applicant there-in by quashing charge-sheet and statement of imputation.

3. The respondents have contested the case and filed counter reply. The applicant has availed the opportunity of filing R.A.

4. Heard and perused the records.

5. As per the applicant's case, the matter under reference, for which charge-sheet alongwith memorandum of imputation has been issued to him, relates to the year 1986 but the same <sup>Came to light</sup> ~~was handed over~~ in 1993 and charge-sheet dated 29.06.98 alongwith statement of imputation has been served on the applicant in the year 1998 and there by the delay is for more than 12 years. Keeping in view the facts and circumstances of the matter, we considered the referred case law and also the matter decided by Jodhpur Bench of this Tribunal in

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O.A No. 268/98 (Supra) we find that the referred matters have quite distinguishable <sup>on</sup> facts and application of law. In Jodhpur, the delinquent was a retired person and in other matters also the charge-sheet has not been <sup>& quashed</sup> decided on sole ground of delay. As against it, Hon'ble Supreme Court has observed on several occasions that at the preliminary stage of the disciplinary proceedings, the court shall keep restrain to interfere therein. Learned counsel for applicant is also not in a position to explain as <sup>to which</sup> ~~on what~~ stage the disciplinary proceedings <sup>have</sup> ~~has~~ moved at present, though according to him, ~~the present~~ proceedings <sup>are</sup> ~~is~~ still pending. For the above we decline to interfere at this stage in the disciplinary proceeding. However, we part with the observation that officers concerned in the department shall take care not to further delay in the matter. The O.A is disposed of accordingly.

6. There will be no order as to costs.

*S. B. S.*  
Member- A.

*S. C. S.*  
Member- J.

/Anand/