

Central Administrative Tribunal, Lucknow Bench, Lucknow

O.A. No. 17/2006

this the 26th day of January, 2006

Hon'ble Shri S.P.Arya, Member (A)

Hon'ble Shri K.B. S.Rajan, Member (J)

Dr. B.P. Nilaratna aged about 53 years son of Sri Hira Lal resident of D-II/15, Pandara Road, New Delhi, presently posted as Additional Resident Commissioner, Govt. of U.P., New Delhi.

...Applicant

By Advocate: Shri Anurag Srivastava

Versus

1. The State of U.P., through the Chief Secretary, Govt. of U.P., U.P.Secretariat, Annexie, Lucknow.
2. The Special Secretary, Department of Appointment, U.P. Secretariat, Annexie, Lucknow.
3. The Principal Secretary, Department of Housing and Urban Plannign, Lucknow.
4. The Secretary, Department of Appointemnts, U.P.Secretariat, Annexie, Lucknow.
5. Union of India, through Secretary, Ministry of Personnel , Public Grievance and Pensions, Department of Personnel and Trainign, NewDelhi.

..Respondents

By Advocate: Shri Deepak Shukla for Sri Prashant Kumar for Respondent No.5
Sri P.K.Srivastava for Sri A.K. Chaturvedi for R.No. 1 to 4

ORDER (ORAL)

By Hon'ble Shri S.P.Arya, Member (A)

This O.A. has been filed for issuance of direction to the respondent 1 to decide the matter within 15 days in the light of the letter dated 25.11.2005 and to direct the respondent to exonerate the applicant and for any other relief which deem fit and proper in the circumstances of the case.

2. The applicant is 1983 batch IAS Officer of U.P.Cadre. An explanation was called from him for irregularities committed in Bulandshahar- Khurja Development Authority where he was posted as Vice Chairman. An explanation was submitted by the applicant on 2.2.2004. The department of Awas and Sahari Niyojan was of the opinion that the guilt of the applicant has not proved and the matter deserves to be closed. The name of the applicant could not be forwarded to the Govt. of India for deputation because of the pendency of the show cause notice whereas the name of 17 other officers have been forwarded. Being aggrieved by the show cause notice and non finalization of the matter, the applicant has filed this O.A.

3. I have heard the learned counsel for the parties and perused the records on the file. The matter relates to the year 1994 when the applicant as D.M. was also assigned the work of the post of Vice Chairman

(B-4)

Bulandsahar-Khurja Development Authority. Though it cannot be said to a disciplinary proceedings against the applicant but keeping a higher govt. official under the charges of committing irregularities involving the integrity, does cause unbearable mental agony and distress to the officer concerned. Such a practice has been deprecated by the Hon'ble Supreme Court in P.V. Mahadevan Vs. Md. T.N. Housing Board reported in (2005) 6 Supreme Court Cases 636.

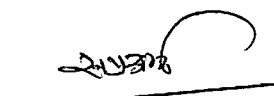
4. In the facts and circumstances of the case and relying on the ratio laid down by the Hon'ble Supreme Court in Mahadevan's case (Supra), we find it expedient and in the interest of justice to direct respondent No.1 to finalize the matter within 30 days keeping in view the explanation submitted by the officer and the letter of Awas and Sahari Niyajan Department (Annexure 10).

5. With the above directions, O.A. is disposed of without any order as to costs..



(K.B.S. Rajan)
Member (J)

HLS/-



(S.P. Arya)
Member (A)