

(5)

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

OA NO.525/2007

Lucknow, this the 21st day of May, 2008

**HON'BLE SHRI JUSTICE KHEM KARAN, VICE CHAIRMAN
HON'BLE SHRI SHAILENDRA PANDEY, MEMBER (A)**

Amitabh Thakur
aged about 39 years
son of Shri Tapeshwar Narayan Thakur
resident of 5/426
Viram Khand,
Gomti Nagar
Lucknow (presently posted
and working as Superintendent of Police
Ballia).

... **Applicant**

(By Advocate: Shri R.C. Singh)

Versus

1. Union of India through
the Secretary
Ministry of Home Affairs
Central Secretariat
New Delhi.
2. State of U.P.
Through the Principal Secretary (Home)
Civil Secretariat
Lucknow.
3. Director General of Police
U.P., 1, Tilak Marg
Lucknow
4. Shri V.K. Agarwal,
I.P.S.,
the then Deputy Inspector General of Police
Faizabad Range
Faizabad (now C/O office of the
Director General of Police, U.P.
1, Tilak Marg, Lucknow. **Respondents**

(By Advocate: Shri A.K. Chaturvedi for Respondents No.2 and 3 and
Shri D.S.Tiwari for Respondent No.1 (Union of India).

ORDER (Oral)

By JUSTICE KHEM KARAN, VICE CHAIRMAN:

Applicant (Shri Amitabh Thakur), who is a member of the Indian Police Service, is being subjected to formal disciplinary proceedings under the relevant

disciplinary Rules of 1969. He was served with a chargesheet dated 20.07.2005 (Annexure - 1). He submitted (Annexure - 3) reply to the chargesheet on 21.01.2006, followed by an application dated 11.10.2006 and reminder dated 12.03.2007 for expediting the inquiry. It was on 10.09.2007 that the Government of Uttar Pradesh appointed one Shri D.K. Sharma, Additional Director General of Police, Human Rights U.P. as Inquiry Officer asking him to conclude and submit the inquiry report within a month.

2. It transpires from the perusal of the averments made in the OA that Inquiry Officer fixed 04.10.2007 and 25.10.2007, for holding an oral inquiry. As the inquiry could not be concluded expeditiously, so the applicant submitted his representation dated 05.11.2007 for dropping the proceedings and after waiting for some time, filed this OA on 17.12.2007 praying for quashing the departmental proceedings, chargesheet dated 20.07.2005 and for issuing such directions as the Tribunal may deem fit in the circumstances of the case.

3. Respondents filed reply. According to the respondents No.2 & 3, O.A. under Section 19 of Administrative Tribunals Act, 1985, against chargehseet dated 20.07.2005 is not miantainable. They have attempted to say delay, if any, is attributable to the applicant and not to them.

4. Shri R.C.Singh, learned counsel for the applicant, has restricted his submission to asking the respondents No.2 & 3 to conclude the matter expeditiously. He is not pressing the prayer for quashing the chargesheet or pending disciplinary proceedings.

5. Shri A.K. Chaturvedi, learned counsel for Respondents No.2 and 3, has submitted that the OA itself is not maintainable as there is no order of which the applicant could be aggrieved. According to him, there is no prayer for expediting the inquiry. It is also submitted since the Union Public Service Commission (UPSC) and the Inquiry Officer have not been impleaded, so directions for expediting the matter cannot be issued. The learned counsel says often the Commission takes more than 6 months, in giving required consultation. He says, under the Rules of 1969, Govt.



of India may also come into picture, in case view for imposing major penalty is formed.

6. We have considered the respective submissions and we are of the view that the request of the applicant for expediting the pending formal disciplinary proceedings is just and proper and should be acceded to. We take the view, when the Union of India and Disciplinary Authority are already before us, absence of Commission and Inquiry Officer, does not matter, in so far as giving of directions for expeditious disposal is concerned. Objections of Shri Chaturvedi, appear to be more technical than real ~~one~~. Expedited disposal of such disciplinary proceedings is not only in the interest of the employee concerned but also in the interest of the employer. Such proceedings cannot be kept pending ~~unduly~~ for a long period. Surprisingly enough, Inquiry Officer was appointed ~~on~~ after about an year of the issuing of the chargesheet. So we dispose of this OA with a direction to the Respondents No.2 and 3 to ensure that the pending disciplinary proceedings are concluded as expeditiously as possible, say within a period of six months from the date ~~of~~ a certified copy of this order is received by them. No order as to costs.

(Shailendra Pandey)
Member (A)

21.5.08
(Justice Hem Karan)
Vice Chairman

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