

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.292/94

Date of order: 4-8-1995

G.P.Bhatnagar

: Applicant

Vs.

Union of India & Anr.

: Respondents

Mr.R.N.Mathur

: Counsel for applicant

Mr.U.D.Sharma

: Counsel for respondents

CORAM:

Hon'ble Mr.O.P.Sharma, Member(Adm.).

Hon'ble Mr.Ratan Prakash, Member(Judl.).

PER HON'BLE MR.O.P.SHARMA, MEMBER(ADM.).

In this application under Sec.19 of the Administrative Tribunals Act, 1985, Shri G.P.Bhatnagar has prayed that the records relating to the charge sheet issued to the applicant may be summoned and perused and thereafter the disciplinary proceedings initiated against the applicant vide Annx.A1, being the memorandum of charges dated 28.3.94 be quashed and the respondents may be directed to pay DCRG and the commuted value of the pension to the applicant.

2. The facts of the case as stated by the applicant, who retired from service on 31.3.94 are that he was initially appointed in the service of the State of Rajasthan but subsequently his services were transferred to the office of the Accountant General, Rajasthan, Jaipur, in 1963 and thereupon the applicant became an employee of the Central Govt. The applicant was posted as Divisional Accountant at Ganganagar from 1969 to 1972 in the Public Works Department(B&P), Govt. of Rajasthan, in accordance with the arrangement under which Divisional Accountants from the office of the Accountant General are posted in certain departments of the Govt. of Rajasthan. During the applicant's tenure at Ganganagar, a complaint was made by certain contractors wherein it was alleged that officers of the PWD had given extra benefits to a few chosen contractors. On the basis of

the aforesaid complaint, a preliminary enquiry was conducted by the then Addl. Chief Engineer, PWD, Govt. of Rajasthan, wherein it was held that the applicant was not guilty of certain irregularities alleged. However, further investigation was suggested in respect of certain other matters. In the preliminary enquiry the applicant was not the main focus of enquiry but the officer who held the enquiry held that the applicant was also responsible for granting some undue financial assistance to the Contractor, but it was added that by special efforts recovery of the amount in question had been made from the Contractor in June 1971. The recovery was made due to the extra efforts of the Divisional Office of Ganganagar, where the applicant was working as Divisional Accountant. There were certain other allegations which however, did not pertain to the area under Ganganagar Division.

3. Further according to the applicant, the matter was enquired into by the Accountant General, who was the disciplinary authority of the applicant and who after considering the entire records and the reply submitted by the applicant, came to the conclusion that no case had been made out against the applicant. Accordingly, vide Annx.A3 dated 7.8.81, the Accountant General informed the Chief Engineer, PWD, Rajasthan that after careful consideration of all relevant papers it had been decided that no action was required to be taken against the Divisional Accountant in this case. A copy of the said communication was endorsed to the applicant. Adverse remarks were also recorded in the ACR of the applicant for the year 1971-72 on the same subject (Annx.A4 dated 31.4.'73) but these were expunged vide Annx.A5 dated 9.11.'76, after considering the representation of the applicant against these remarks.

4. However, as stated by the applicant, the entire matter was again 'dug up' and an FIF was registered by the State

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Anticorruption Department against certain officers including the applicant in connection with the same matter. Thereafter, criminal proceedings were initiated on the basis of the said FIR in the Court of Special Judge(ACD), Bikaner. The applicant filed a Criminal Misc.Petition under Sec.482 Cr.PC before the High Court of Rajasthan at Jodhpur for quashing the criminal proceedings. The High Court issued directions on 27.11.'87 whereby the proceedings were stayed. The petition is still pending and the interim stay order has been confirmed.

5. According to the information of the applicant, earlier in 1973 also an FIR was registered against several officials of FWD, Govt. of Rajasthan, by the Anticorruption Deptt, but eventually an FR was submitted. In the earlier FIR of 1973, the applicant was not one of the accused persons but in the second FIR on the basis of which criminal proceedings were initiated, name of the applicant was mentioned alongwith certain others.

6. As further stated by the applicant, 3 days prior to his retirement on 31.3.'94, a charge sheet Annx.A1 was served upon him. After receiving the charge sheet, the applicant submitted a detailed reply dated 4.4.'94 (Annx.A6) wherein he stated that the matter had been enquired into earlier and the proceedings had been wrongly initiated that too after such a long delay. The applicant also replied to the charges on merit. However, the matter was not treated as closed, the DCPG and the commuted value of pension payable to the applicant have been with-held by order dated 13.6.94 (Annx.A2). The applicant's case is that when the matter had already been enquired into in detail earlier and he was exonerated vide communication dated 7.8.91 (Annx.A3), there was no justification for reviving it on the same facts. In the application, the applicant has referred to the judgment of the Rajasthan High Court in the case of Dwaraka Chand Vs. State of Rajasthan, AIR 1958 Raj. 38, wherein it has been held that no

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second enquiry is permissible, once an employee has been exonerated. Allegations against the applicant pertain to 1970-71, the matter was reported to in 1972-73, preliminary enquiry was conducted in 1973 and there was nothing against the applicant in the preliminary enquiry report except some casual observations. Even the Anticorruption Deptt, investigated the matter but did not file an FIR against the applicant in 1973 though an FIP was filed against others in the same matter. However, subsequently, an FIR was filed in 1986 after about 16 years of the alleged incident. The initiation of disciplinary proceedings now after 24 years is contrary to the principles of natural justice and is violative of Articles 14 and 21 of the Constitution. The Hon'ble Supreme Court had held in State of M.P Vs. Bani Singh, AIR 1990 SC 1308, that initiation of disciplinary proceedings after more than 12 years was unreasonable and proceedings were liable to be quashed. In yet another case, <sup>S.G.</sup> Nain Vs. Union of India, AIR 1992 SC 608, the Hon'ble Supreme Court has held that it is not the State action but its effect on the citizen that is important. The Jaipur Bench of the Tribunal in the case of K.L.Sharma Vs. Union of India, O.A.No.73/92 decided on 28.7.92, quashed the charge sheet which had been issued after a lapse of 10 years from the date of <sup>the</sup> incident. The disciplinary proceedings and the criminal case both pertain to the same incident and therefore, it would be inequitable to initiate disciplinary proceedings when the criminal case is already pending. The Hon'ble Supreme Court in Kusheshwar Dubey Vs. Bharat Coking Coal Ltd. & Ors., AIR 1988 SC 2118 had held that if disciplinary proceedings and criminal action are grounded on the same set of facts, disciplinary proceedings should be stayed. Some allegations against the applicant pertained to works which were earlier under another division and the applicant was not connected with those matters, still the applicant has been held responsible for those matters. The charge

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sheet has been issued to the applicant with malafide intention to deny him pensionary benefits. Even on merits, the charge sheet is unsustainable. With-holding of Gratuity is contrary to the provisions of Payment of Gratuity Act, 1972. The applicant has also <sup>a</sup>right to get the commuted value of pension which has not so far been authorised.

6. The respondents in their reply have stated that receipt of the complaint referred to by the applicant, the applicant's explanation was called for, the reply submitted by him was furnished to the PWD Deptt, for comments and the PWD Deptt, was asked to furnish the relevant record relating to the allegations against the applicant. However, the PWD Deptt, did not furnish records with their comments for a considerable time and therefore it was decided at the relevant time that no action was required against the applicant. Hence, letter Annx.A3 dated 7.8.91 had been issued. It did not however mean that the applicant had been completely exonerated of the allegations levelled against him. Subsequently, the State Govt, granted sanction on 28.3.'85 for prosecution of certain Engineers under various sections of IPC in pursuance of which a challan was filed in the Court of Special Judge, ACD, Bikaner on 14.8.'86. The State Govt, sent a report regarding prosecution of the applicant alongwith others in the aforesaid Court vide their letter dated 28.1.'87 (Annx.R1). The applicant was placed under suspension by order dated 22.6.'87 but the suspension was revoked on receipt of information that the proceedings before the Criminal Court had been stayed by the High Court. Adverse remarks made in the ACP of the applicant were expunged but this matter has no relationship with the present proceedings. The respondents tried to ascertain information from the State Govt, regarding vacation of the stay granted by the High Court against the criminal proceedings. But the criminal proceedings were still pending before the Special Judge ACD,

Bikaner. Considering uncertainty about the finalisation of the criminal proceedings, it was decided by the respondents to initiate disciplinary proceedings against the applicant for the lapses committed by him while functioning as Divisional Accountant in PWD, Ganganagar and accordingly charge sheet dated 25.3.'94 (perhaps 28.3.94) was issued. Accordingly, DCEG and commuted value of pension payable to the applicant were with-held on account of the pendency of the court proceedings and the departmental proceedings, in accordance with the provisions of Rule 69(1)(c) of the CCS(Pension) Rules read with Rule 4 of CCS(Commutation of Pension) Rules, 1981. The disciplinary proceedings have been initiated against the applicant by the competent authority on cogent grounds and these are fully justified. It is not a case of initiation of second enquiry against the applicant on the same facts as no such enquiry had been initiated earlier. Disciplinary proceedings have for the first time been initiated against him vide charge sheet in March 1994 and the delay in initiating the proceedings has occurred only on account of the stay granted by the Hon'ble High Court in respect of the criminal case filed against the applicant in 1986. At the earlier stage since records pertaining to the lapses committed by the applicant were not made available by the PWD and the Deptt. of Personnel of the State Govt, and since there were serious charges against the applicant, noninitiation of disciplinary proceedings against him would have amounted to condonation thereof. According to them, the judgment cited by the applicant are distinguishable on facts. There is no legal bar to initiating disciplinary proceedings simultaneously with criminal proceedings. Further, according to the respondents, the applicant has submitted his reply to the charge sheet on 4.4.'94, the question of the charge sheet being unsustainable on merit can only be decided by the disciplinary authority and therefore, the

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disciplinary proceedings should be allowed to be taken to their logical conclusion as per the provisions of the CCS(CCA) Rules. If the applicant is aggrieved by any proceedings, he has proper and statutory remedies under the said Rules.

7. During the arguments, the learned counsel for the applicant cited one more judgment apart from those which have been mentioned in the application itself. It is Amar Nath & Ors. Vs. Union of India & Ors. 1993(1) SLJ 186, wherein Delhi High Court held that the authorities do not have the unfettered power to review an administrative order at any time and without any reason. The learned counsel for the applicant stated that therefore, that after having treated the matter against the applicant as closed vide Annx.A3 dated 7.8.81, the respondents cannot review that decision and reopen the proceedings against the applicant without any justification whatsoever. He added that since the charges in the criminal case pending against the applicant and those in the charge sheet issued in departmental proceedings are the same, the departmental proceedings cannot be allowed to be proceeded with because the applicant's disclosing his defence in the departmental proceedings may prejudice his defence in the criminal proceedings. Further, according to him, this is a case of no evidence and therefore, the charge<sup>sheet</sup> is liable to be quashed on that ground. Also in the charge sheet certain charges have been levelled against the applicant pertaining to the area which was not in his jurisdiction at the relevant time.

8. The learned counsel for the respondents stated during the arguments that at the time when Annx.A3 dated 7.8.81 was issued stating that it had been decided that no action was called for against the applicant, the respondents did not have that material before them which came to their possession subsequently on filing of criminal charge sheet against the applicant. Therefore, since the material on the basis of which the charge sheet in departmental proceedings had been issued came into their



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possession subsequently, there was no bar to issue of charge sheet in departmental proceedings. He added that the applicant has already submitted a reply to the charge sheet and it is for the disciplinary authority to consider whether the charges are tenable in the light of the reply of the applicant. At this stage according to him the applicant cannot come to the Tribunal with the grievance that no case of misconduct has been made out against the applicant as alleged in the charge sheet. In this connection, he relied upon the judgment of the Hon'ble Supreme Court in Union of India & Ors. Vs. Upendra Singh 1994(1)SLR 831, in which the Hon'ble Supreme Court had held that the Tribunal cannot interfere at the stage of framing of the charges and the truth or otherwise of the charges is a matter for the disciplinary authority to go into. He also referred to the judgment of Punjab & Haryana High Court in Sarita Kumar Vs. Punjab State Electricity Board 1995(2) Service Cases Today 143, in which the High Court held that both the criminal proceedings and departmental proceedings can go on simultaneously unless grave prejudice is going to be caused because of gravity of complex facts involved and that a Court must be very slow to interfere in such matters. The High Court further held that departmental proceedings are not always to be stayed because of pendency of criminal proceedings arising out of the same acts of the employee and that the adequacy and sufficiency of material for serving a charge sheet primarily falls in the domain of the disciplinary authority. Next he referred to the judgment of the Principal Bench of the Tribunal in Ramesh Kumar Vs. Commissioner of Police & Ors. 1993(1)(CAT) 361, wherein the Tribunal held that in view of the principles laid down in the case of Kusheshwar Dubey Vs. Bharat Coking Coal Ltd, it was neither possible nor advisable to evolve a hard and fast formula for all cases, whether simultaneous departmental proceedings and criminal

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proceedings should be permitted to go on. In the case before it, the Principal Bench held that any defence taken by the delinquent in departmental enquiry or any defence adduced by the applicant for the said enquiry must not be used by the prosecution in the criminal court during the criminal trial. However, the application of the applicant <sup>for</sup> restraining the respondents from proceeding with the departmental enquiry was dismissed by the Tribunal. Thereafter, he cited the case of E.Chakkrapani Vs. Panruti Agricultural Producers Cooperative Marketing Society Ltd. 1992(4) SLP 143, wherein also the High Court held that it was not a fit case where domestic enquiry could be stayed till the disposal of the criminal case. Yet another judgment cited by him was K.Pamulu Vs. The Secretary to Govt of India, Deptt. of Posts, New Delhi & Ors 1992(4) SLP 165 decided by the Hyderabad Bench of the Tribunal. In this case also the Tribunal found that there was no justification for staying the disciplinary proceedings till the conclusion of the criminal and civil proceedings against the applicant. In the present case, because the criminal proceedings pending against the applicant had been stayed by the High Court, the applicant was about to retire and there was uncertainty about when the criminal case would be finalised, the respondents were of the view that the applicant should not be allowed ~~was~~ to go scot-free. Therefore, they had decided to initiate disciplinary proceedings against him even on the eve of his retirement.

9. The learned counsel for the applicant stated by way of rejoinder that the judgment in Upendra Singh's case, relied upon by the learned counsel for the respondents, was distinguishable and had no applicability to the applicant's case, because the applicant was mainly seeking quashing of the charge sheet on the ground that it had been delayed considerably and the applicant had already been exonerated of the same charges vide Annx.A3, which were the subject matter of the charge sheet. Further, although, the respondents have stated that they did not have

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complete records when they issued letter Annx.A3 dated 7.8.81, stating that no action was called for against the applicant, yet they had not disclosed what were the records which came into their possession subsequently and how they justified the reopening of the proceedings closed earlier. Annx.A3 itself states that before closing the case against the applicant, the respondents had carefully considered all relevant papers. Thus, there was no justification now to reopen the matter. In letter dated 1.3.94 (Annx.P5) which is from the Chief Engineer to the Senior Dy.Accountant General(Adm.), Jaipur, by which certain information had been furnished to the A.G's office, there is a reference to a letter dated 17.2.94 from the A.G's office in response to which this information appears to have been furnished. However, it is not known what information was actually called for by the A.G's office, as the said letter dated 17.2.94 has not been annexed to the reply of the respondents. Merely because the applicant had submitted a reply to the charge sheet, he is not precluded from challenging the charge sheet in the Tribunal.

10. We have heard the learned counsel for the parties and have perused the material on record as well as the judgments cited before us. The following main issues arising in this case have to be decided by us:

i) Whether the matter in respect of which disciplinary proceedings have been initiated against the applicant was treated as closed earlier, what was the nature of the matter that was treated as closed and whether it could be reopened later by issue of a charge sheet.

ii) Whether initiation of disciplinary proceedings was inordinately delayed and whether these are to be quashed on that ground.

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iii) Whether, the criminal proceedings and the disciplinary proceedings can be allowed to go on simultaneously.

11. Annx.A3 dated 7.8.81 has been relied upon by the applicant to urge that the matter relating to his alleged misconduct relating to the period 1970-71 was examined on the basis of all relevant papers and thereafter it was decided that no action was called for against the applicant. The respondents have taken the plea that the material on the basis of which a criminal charge sheet was filed against the applicant was made known to them subsequently and therefore they were justified in initiating disciplinary proceedings against the applicant on the basis of that material. In fact, no formal disciplinary proceedings were initiated against the applicant which could be said to have been dropped vide communication dated 7.8.81 (Annx.A3). It cannot, therefore, be said that disciplinary proceedings were once initiated against the applicant and these were dropped and thereafter these have been initiated afresh on the same facts. What was communicated to the applicant earlier was a decision not to take action against him on a consideration of the relevant papers. The reference to relevant papers could only be to those papers which were available at the time when the decision was communicated to the applicant. If some papers or documents or material came to the notice of the respondents subsequently, they are not precluded from reviewing the matter and deciding to take further necessary action. Thus, we are of the view that it was not that any formal disciplinary proceedings were initiated against the applicant earlier and these were dropped and thereafter fresh disciplinary proceedings have been initiated on the same facts. It is, therefore, not a case of review of an administrative decision on the same facts inasmuch as fresh material which formed the basis of the criminal charge sheet against the applicant came to the notice of the respondents

subsequently and it was on the basis of this material that they decided to initiate disciplinary proceedings against the applicant.

12. There is no doubt that the disciplinary proceedings against the applicant were initiated after a considerable delay. Question however is whether in the circumstances of the present case, these should be quashed on the ground of delay. We have carefully considered the judgment of the Hon'ble Supreme Court in the case of State of M.P Vs. Bani Singh. The Supreme Court had occasion to examine the issue of delay in initiating disciplinary proceedings in another case recently namely State of Panjab & Ors. Vs. Chamanlal Goyal 1995(1)SLR 700 wherein it also considered the ratio of judgment in Bani Singh's case. The memorandum of charges in Chamanlal's case had been quashed by the High Court for delay of 5½ years in serving it and for certain other reasons. The question before the Supreme Court was whether, the said delay warranted the quashing of the charges. The Hon'ble Supreme Court held that no doubt, delay would be not fair to the delinquent official and it also makes the task of proving the charges difficult and is thus not in the interest of administration. Whenever a plea of delay in quashing the charge sheet is raised, the court has to weigh the factors appearing for and against the said plea and take a decision on the totality of circumstances. The court has to indulge in a process of balancing. The factors which were in favour of the delinquent official in the case before the Hon'ble Supreme Court were that he had relinquished the charge before the incident, the government's explanation for delay in serving the charge sheet was unacceptable and pendency of the disciplinary proceedings was bound to cause prejudice to the delinquent official. The factors against the delinquent officials were that he had suffered no discomfort or inconvenience on account of delay, charges were grave, there was no allegation that any of the witnesses to whom

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the delinquent wanted to examine are since dead and had become unavailable and that pending the writ petition before the High Court against the proceedings, enquiry was proceeded with so that by the date of the judgment of the High Court only the defence evidence remained to be adduced after which Inquiry Officer would have submitted his report. In the facts and circumstances of the case before them the Hon'ble Supreme Court held that applying the balance process, quashing of the charges against the delinquent official was not warranted. The Hon'ble Supreme Court also distinguished the judgment in Bani Singh's case, in which the charge sheet was served after a lapse of 12 years from the alleged irregularities. The Hon'ble Supreme Court observed that from the judgment in Bani Singh's case, the nature of the charges concerned does not appear and it was not known whether the charges were grave. Probably, according to the Supreme Court, there were not. In the case before them, the Hon'ble Supreme Court laid down a time limit of 8 months for passing final orders failing which the departmental proceedings would be deemed to have been ~~quashed~~ dropped.

13. In the case before us, no doubt the charge sheet is considerably delayed. From a perusal of the charge sheet it cannot be said that the charges are not serious, and it is to be noted that on these very facts and the material referred to in the charge sheet, criminal proceedings have also been initiated against the applicant which also indicate the gravity of the charges against the applicant. We have now to consider what prejudice has been caused or would be caused to the applicant by the charge sheet issued in departmental proceedings. The only document referred to in Annx.III of the charge sheet which is proposed to be relied upon for proving the charges against the applicant is the charge sheet issued in criminal proceedings.

There are no witnesses. Therefore, availability or non-

availability of any prosecution witness would not prejudice the case of the applicant. As regards the documents, these would presumably be in the safe custody of the trial Court. Charge sheet was issued to the applicant a few days before his retirement and it is not his case that any promotion etc. was denied to him on account of the issue of the charge sheet. Of course his gratuity and commuted value of pension have been withheld. The reason given in Annx.A2 for with-holding these two amounts is that disciplinary proceedings are pending against the applicant. However, in their reply, the respondents have stated that these payments have been with-held on account of the pendency of the court proceedings and departmental proceedings. Rule 69(1)(c) of the CCS(Pension) Rules provides that no gratuity shall be paid to the government servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon. Thus, even if disciplinary proceedings had not been initiated against the applicant by issuing a charge sheet in March 1994 the fact that criminal proceedings had been initiated against him in 1986 would have stood in the way of payment of Gratuity to him if these proceedings had remained pending till the date of the applicant's retirement. It is to be noted that it is the applicant who prayed to the High Court for stay of the criminal proceedings and these have accordingly been stayed. Thus, denial of Gratuity to the applicant is not solely on account of the pendency of the departmental proceedings. Even if the departmental proceedings had not been initiated, Gratuity would have been denied to him till the conclusion of the criminal proceedings against him. The same is the position with <sup>regard to the</sup> commuted value of pension. Rule 4 of the CCS(Commutation of Pension) Rules 1981 provides that no government servant against whom departmental or judicial proceedings as referred to in Rule 9 of the Pension Rules have been instituted before the date of his retirement shall be eligible to commuted value of the pension

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during the pendency of such proceedings. Thus, commuted value of pension would also have been denied to the applicant regardless of the initiation of disciplinary proceedings against him in view of the pendency of the criminal case against him in respect of which stay was granted by the High Court on the prayer of the applicant, as seen from Annx.A4, which is copy of the stay order dated 29.1.87, issued by the High Court in Criminal Misc. Stay Petition filed by the applicant.

14. We, thus are of the view that no prejudice has been caused to the applicant by the departmental proceedings initiated against him. Therefore, for the reasons discussed above, in spite of the fact that the charge sheet has been considerably delayed, we decline to order that it be quashed.

15. Both criminal proceedings and disciplinary proceedings have been initiated against the applicant and both are pending at present. In the judgment of the Hon'ble Supreme Court in Kusheshwar Dubey's case which has been relied upon by the learned counsel for the applicant, it was noticed that the criminal action and the disciplinary proceedings were grounded on the same set of facts. The Hon'ble Supreme Court held in that case that the disciplinary proceedings should have been stayed although the Hon'ble Supreme Court declined to lay down any general guidelines or a straight jacket formula to be followed for all cases. Of course there would be merit in the applicant's apprehension that if the defence adduced by the applicant in the disciplinary proceedings is used against him in the criminal proceedings, this would cause serious prejudice to him. The position in the instant case is that the criminal proceedings were stayed in 1987. These are not going on at present. Therefore, it is not that two sets of proceedings are going on simultaneously. We are of the view that the applicant cannot have it both ways i.e. to have both the proceedings against him stayed. Since, the criminal proceedings against the applicant are not going on at present and these have



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been stayed, we are of the view that the disciplinary proceedings against him should go on. As was directed by the Principal Bench of the Tribunal in the case of Pamesh Kumar, any defence taken by the delinquent in departmental enquiry or any defence evidence adduced by the applicant for the said enquiry must not be used by the prosecution in the criminal court during the criminal trial. This would be enough safeguard for the applicant that the continuance of the disciplinary proceedings against him and the enquiry pursuant to such disciplinary proceedings would not cause any prejudice to him in the criminal case pending against him.

16. To a query from us as to why the disciplinary authority had not taken any further action after the applicant had submitted his reply dated 4.4.94 (Annx.A6) to the charge sheet, the learned counsel for the respondents stated that soon thereafter the applicant filed this application on 27.6.94 and therefore, the respondents could not take any further action in the matter.


17. In the circumstances of the present case, therefore, we direct that the disciplinary authority shall examine the written statement of defence submitted by the applicant vide his letter dated 4.4.94 (Annx.A6) on merits having regard to all the facts and circumstances stated therein. If the disciplinary authority decides to close the matter on the basis of the written statement of defence, the matter would end there. However, if it decides that the disciplinary proceedings should continue, it should take all steps towards finalisation of the disciplinary proceedings and passing of the final order within a period of 9 months from the date of the receipt of a copy of this order. The above mentioned period of 9 months includes the time to be taken by the disciplinary authority for taking a decision whether the proceedings should be dropped, on the basis of the written statement of defence or whether these should be continued. If the

proceedings are not concluded by passing a final order within the aforesaid period of 9 months, these shall be deemed to have been dropped.

18. In the circumstances of the present case, we do not consider it necessary to give any further direction or to decide any other issues raised by the applicant. The O.A. is disposed of accordingly with no order as to costs.

  
(Ratan Prakash)

Member(Judl.).

  
(O.P.Sharma)

Member(Adm.).