

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.303/2001

Jaipur, this 20<sup>th</sup> day of May, 2002

Hon'ble Shri M.P. Singh, Member (A)  
Hon'ble Shri J.K.Kaushik, Member(J)

1. Pramod Kumar Kashyap  
2. Ramesh Chandra Saini  
3. Lok Nath Sharma  
All working as Pharmacists, CGHS  
Hotel Radhakrishna Premises, Jaipur .. Applicants  
(Shri Suresh Goyal, Advocate)

Versus

Union of India, through

1. Secretary  
Ministry of Health & Family Welfare  
Nirman Bhavan, New Delhi  
2. Additional Director  
Central Govt. Health Scheme  
Hotel Radhakrishna, Jaipur .. Respondents  
(Shri Bhanwar Bagri, Advocate)

ORDER

Shri M.P. Singh, Member(A)

Heard the learned counsel for the parties and perused the records. The admitted position is that the applicants, three in number, were charge-sheeted vide Memo dated 3.1.1989 under Rule 14 of CCS(CCA) Rules, 1964, inasmuch as during the period January, 1986 to June, 1988 they committed grave misconduct and lack of devotion to duty by allowing the pilferage of medicines and other stores from the MSD which was under their charge and custody and thus they contravened Rule 3 of the CCS (Conduct) Rules, 1964. Thereafter, respondents have appointed as many as four Inquiry Officers vide orders dated 18.9.89, 19.7.91, 9.10.91 and 15.9.92 but there was absolutely no progress in regard to conducting the enquiries into the charges levelled against the applicants.

To top it all, respondents have issued another order order on 3.9.1996 in which it has been stated that a suitable inquiry officer will be appointed soon and the Presenting Officer would also be replaced by a suitable substitute. Thereafter, there was no progress again in conducting the inquiry.

2. Respondents have filed their short reply on 12.2.2002, inter alia raising some preliminary objections on flimsy grounds, stating that in case this Tribunal instead of giving directions to complete the departmental enquiry within a stipulated time period inclined to quash the charge-sheet on the ground of delay and laches on the part of respondents, liberty may be granted to them to file exhaustive detailed reply pointing out the instances of delay attributed to the applicants. We are afraid we cannot grant such a liberty at this stage, particularly when more than 13 years have elapsed after the charge-memo was issued on 3.1.89.

3. In the circumstances, we dispose of the present OA in the following terms.

4. Respondents are directed to complete the enquiry proceedings and take a decision accordingly in respect of the applicants within a period of three months from today, failing which the charge-memo dated 3.1.1989 shall be treated as quashed and set aside. There shall be no order as to costs.

  
(J.K. Kaushik)  
Member(J)

  
(M.P. Singh)  
Member(A)

/gtv/