

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDERS OF THE TRIBUNAL

15/05/2014

M.A. No. 81/2012 (O.A. No. 107/2008) with M.A. No.
291/00206/2014

Mr. S.K. Jain, Counsel for the applicant
Mr. V.D. Sharma counsel for the respondents

M.A. No. 81/2012

Heard learned counsel for the parties on M.A. No. 81/2012 filed by the applicant praying for restoration of O.A. No. 107/2008.

Having considered the submissions made on behalf of the parties, M.A. for restoration of O.A. No. 107/2008, is allowed. O.A. is restored to its original number and status. With the consent of the parties, the matter is taken up for final hearing today itself.

O.A. No. 107/2008 with M.A. No. 291/00206/2014

Heard the learned counsel for the parties.

Order Reserved.

M. Nagarajan
(M. Nagarajan)
Member (J)

Anil Kumar
(Anil Kumar)
Member (A)

Adm/

24.5.2014

Order pronounced today in the open
Court by the aforesaid Bench.

Anil Kumar
24/5/14
C-0

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

ORDER RESERVED ON 15.05.2014

DATE OF ORDER : 29.05.2014

CORAM :

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER
HON'BLE MR. M. NAGARAJAN, JUDICIAL MEMBER

1. **ORIGINAL APPLICATION NO. 105/2008**
WITH
MISC. APPLICATION NO. 291/00209/2014

T.R. Verma son of Shri Kishan Lal Verma, aged about 63 years, resident of A-79, Malviya Nagar, Jaipur.

... Applicant

(By Advocate: Mr. S.K. Jain)

Versus

1. Union of India through Secretary, Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training, Government of India, New Delhi.
2. State of Rajasthan through Secretary, Department of Personnel, Government of Rajasthan, Secretariat, Jaipur.

... Respondents

(By Advocate: Mr. V.D. Sharma)

2. **ORIGINAL APPLICATION NO. 107/2008**
WITH
MISC. APPLICATION NO. 291/00206/2014

T.R. Verma son of Shri Kishan Lal Verma, aged about 63 years, resident of A-79, Malviya Nagar, Jaipur.

... Applicant

(By Advocate: Mr. S.K. Jain)

Versus

1. Union of India through Secretary, Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training, Government of India, New Delhi.
2. State of Rajasthan through Secretary, Department of Personnel, Government of Rajasthan, Secretariat, Jaipur.

... Respondents

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(By Advocate: Mr. V.D. Sharma)

ORDER

PER HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Since the facts & law points involved in both the OAs are similar, therefore, with the consent of the learned counsel of both the parties, both the OAs (OA No. 105/2008 and OA No. 107/2008) are disposed of by a common order. The facts of OA No. 107/2008 are being taken as a lead case.

2. The applicant has filed this OA praying for the following reliefs:-

- "(i) to quash and set aside the order dated 18.09.2007 (Annexure A/1), memorandum dated 29.06.2004 (Annexure A/2), notice dated 31.01.2008 as well as the entire enquiry proceedings holding the same bad in law and to direct the respondents to grant the applicant all consequential benefits;
- (ii) Any other suitable direction, which the Hon'ble Tribunal deems fit and proper in the circumstances of the case mentioned hereinabove may be passed in favour of the humble applicant.
- (iii) The cost of this OA may also be granted to the applicant."

3. The brief facts of the case, as stated by the learned counsel for the applicant, are that the applicant was appointed in the Indian Administrative Service in the year 1975. He was posted as Commissioner of Jaipur Development Authority (JDA) from 31.07.1993 upto 05.02.1994.

4. That the applicant was served with a charge sheet vide Memorandum dated 29.06.2004 (Annexure A/2) where in it was alleged that while he was working as Chairman of the JDA in a Building Plan Committee (II), sanction was granted for approval of

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the maps of Plot No. B, Old Sabji Mandi, Ajmeri Gate, Jaipur by allowing 2 FAR whereas as per rules FAR of 1.5 was admissible.

5. The learned counsel for the applicant further submitted that the builder, M/s. Navchitra, for whom the allegation has been leveled in the charge sheet dated 29.06.,20904 of being given wrongful benefit by the applicant is concerned, the same is wholly baseless and contrary to the record for the mere reason that the said builder after the decision taken by the BPC, did not submit plans/maps with FAR 2 and even till date, so far as the applicant knows, his plan for the building which have been passed, are only with FAR of 1.5.

6. That when the applicant was working as the Commissioner of the JDA, the Building Plan Committee known as BPC-II passed certain resolutions. The applicant, being the Commissioner, was the Chairman of the said Building Plan Committee.

7. That on receipt of the charge sheet, the applicant submitted his reply on that very day with the prayer to drop the charge sheet as he was due to retire on 30.06.2004.

8. In the reply, it was stated by the applicant that the decision taken by the JDA were taken as an autonomous body and the entire departmental proceedings had been initiated on account of malice in law as well as on facts.

9. The applicant also pointed out that with regard to the same charge, a criminal case was also registered. In this criminal case,

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the Anti Corruption Bureau after conducting the inquiry reached to the conclusion that no case has been made out of allegation of corruption against the applicant nor any ill-motive was alleged against the applicant. Thus the decision of the applicant was held to be a bona-fide decision. The final report submitted by the Anti Corruption Bureau was duly accepted by the competent authority after giving notice to the State Government. The State Government did not challenge the decision relating to the acceptance of the final report and thus the matter attained finality.

10. That after submitting the reply dated 29.07.2004, no further action was taken by the respondent and the applicant did not hear anything from the respondents.

11. The learned counsel for the applicant submitted that, however, the applicant suddenly received the order dated 18.09.2007 (Annexure A/1) issued by the respondents vide which an Inquiry Officer was appointed to conduct inquiry under Rule 8(6)(A) read with Rule 8(2) of the IAS (Discipline & Appeal) Rules, 1969. He submitted that this order of appointing an Inquiry Officer has been issued almost after three years and three months of the issuance of the charge sheet and the reply submitted by the applicant.

12. The learned counsel for the applicant submitted that the applicant cannot be subjected to departmental inquiry with regard to the identical charges for which criminal case was registered against him and wherein no charge was found to be proved and the

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same has been accepted by the Court and the applicant has been acquitted of the said charge.

13. Further the departmental proceedings cannot be initiated for taking a decision which either is not accepted as a right decision because the right or wrong decision cannot be subject matter of departmental inquiry. It is not the case of the respondents that the applicant was not empowered to take such decision.

14. The learned counsel for the applicant submitted that the charges relate to the period 1993-1994 when the applicant was posted as Commissioner of Jaipur Development Authority whereas the charge sheet has been issued to the applicant on 29.06.2004 (almost 10-11 years later), therefore, the entire disciplinary proceedings are hit by delay & laches and deserves to be quashed in view of the law laid down by the Hon'ble Supreme Court in the case of **Union of India vs. N. Radha** Krishnan, 1998 (4) SCC 283.

15. The learned counsel for the applicant further submitted that the inquiry proceedings also deserves to be quashed as the same are being conducted by an officer, who is neither authorized to conduct inquiry nor he is empowered being the junior to the applicant. The inquiry, being conducted in a biased manner, therefore, the same is vitiated in law.

16. The learned counsel for the applicant further argued that the charges leveled against the applicant are vague and, therefore, charge sheet deserves to be quashed. The charge sheet does not speak as to which regulation has been violated. The applicant has

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taken decision under Regulation 44 of the JDA Regulations. The respondents have not been able to point out as which regulation has been violated while taken a decision and, therefore, the charge sheet dated 29.06.2004 (Annexure A/2) and appointment of Inquiry Officer vide impugned order dated 18.09.2007 (Annexure A/1) be quashed and set aside.

17. In support of his arguments, the learned counsel for the applicant referred to the following case laws:-

1. P.V. Mahadevan vs. MD, T.N. Housing Board
2005 SCC (L&S) 861
2. Punjab State through its Collector & Another vs. Ex. Constable Gulzar Singh
2013 (2) SLJ 76
3. G.M. Tank vs. State of Gujarat & Others
2006 SCC (L&S) 1121
4. Cap. M Paul Anthony vs. Bharat Gold Mines Ltd. & Another
1992 (3) SLJ 152 = AIR 1999 SC 1416
5. Dr. R.K. Sharma vs. State of Rajasthan
ELE 1989 (1) 659

18. The learned counsel for the applicant also submitted that the applicant was exercising a quasi judicial power while taking decision under Section 83-A of JDA Act 1982 and Regulation 44 of the JDA Regulations. Therefore, no departmental proceedings can be initiated against him. The learned counsel for the applicant submitted that failure to exercise quasi judicial power properly or wrong application of interpretation of law in itself is not a misconduct because wrong decision is subject to judicial supervision in appeal. In support of his arguments, he referred to the judgment of

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the Hon'ble Supreme Court in the case of **Zunjarrao Bhikaji Nagarkar vs. Union of India & Ors.**, 1999 SCC (L&S) 1299.

19. On the other hand, the learned counsel for the respondents submitted that the OA by the applicant has been filed in the year 2008 challenging the charge sheet dated 29.06.2004, which is time barred. The applicant has failed to explain such inordinate delay in filing the OA. He has not moved any application seeking condonation of delay and, therefore, the present OA is not maintainable and liable to be dismissed on this count alone.

20. The learned counsel for the respondents further submitted that after the issuance of the memorandum of charge sheet, the applicant filed his reply. The Disciplinary Authority after taking into consideration the reply to the charge sheet, being not satisfied appointed an Inquiry Officer vide order dated 18.09.2007. The Inquiry Officer has already issued notice to the applicant for participating in the inquiry proceedings. Therefore, filing of the present OA is premature as the applicant has a right to defend himself in the disciplinary proceedings initiated against him by the Department.

21. The learned counsel for the respondents further submitted that the Tribunal has very limited power to quash a charge sheet. The Hon'ble Apex Court has observed that the Tribunal does not exercise the power of an Appellate Authority. Further he referred to the judgment of the Hon'ble Supreme Court in the case **Union of India vs. Upendra Singh**, 1994 (2) SLJ 77 (SC), in which the Hon'ble Supreme Court has held that:-

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"In the case of charge framed in a disciplinary proceedings, Tribunal or Court can interfere only if the charges framed with the imputation of particulars of the charges, if any, of misconduct or other irregularity alleged can be said to have been made out or the charges framed are contrary to any law. At this stage, the Tribunal has no jurisdiction to go into the correctness or truth of the charges. The Tribunal cannot take over the functions of the Disciplinary Authority. The truth or otherwise of the charges is a matter for the Disciplinary Authority to go into."

22. The learned counsel for the respondents also referred to the judgment of the Hon'ble Supreme Court in the case of **District Forest Officer vs. R. Rajamanickan & Another**, 2000 SCC (L&S) 1100 wherein the Hon'ble Supreme Court has held that the Tribunal was not justified under law to interfere with the correctness of the charges leveled against the delinquent officer.

23. The learned counsel for the respondents further submitted that the contention of the learned counsel for the applicant that the charges are vague are not correct. A bare perusal of the article of charge and statement of imputation appended to memorandum of charge sheet shows in clear and unambiguous language that the misconduct alleged against the applicant for which proceedings have been initiated prior to his retirement from his service and which have been continued after his retirement is in accordance with the statutory rules.

24. That the respondents have appointed an Inquiry Officer after considering the reply submitted by the applicant on 30.06.2004 to the charge sheet.

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25. The learned counsel for the respondents further submitted that even after acceptance of the final report by the Court; disciplinary proceedings can be initiated against the government servant. He further argued that even after acquittal in criminal proceedings, the disciplinary proceedings can be initiated against an employee. The respondents have denied that there was any malice on the part of any authority in initiating departmental proceedings against the applicant. They have also denied that such proceedings were initiated just to harass the applicant. The learned counsel for the respondents denied that the charge sheet suffers from malice in law.

26. The learned counsel for the respondents further submitted that the delay, if any, is attributable with normal inter departmental consultations as well as the examination of the matter at different levels. Moreover, this question of delay has been examined by this Tribunal in the case of **T.R. Verma vs. Union of India & Others (OA No. 390/2005 decided on 22.08.2007)**. In Para No. 14 of the order, the Tribunal has held that there was neither any inordinate delay nor unexplained delay on the part of the respondents in issuing the charge sheet. The delay, if at all, had taken place has been properly explained by the respondents. Therefore, the Tribunal held that merely on account of delay, which has been properly explained by the department, the charge sheet cannot be quashed. This OA was dismissed by the Tribunal.

27. He further explained that subject matter of inquiry pertains to the Department of Urban Development, which is the administrative

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department in relation to the JDA, whereas the Department of Personnel is concerned with the conduct of the disciplinary proceedings. Thus the reply to the charge sheet and the representations given by the applicant first of all were considered by the Department of Urban Development and on receipt of their comments, Department of Personnel examined the same and only thereafter the order dated 18.09.2007 was passed by which the Inquiry Officer was appointed. Thus there is no deliberate or intentional delay in the appointment of Inquiry Officer.

28. With regard to the submission of the learned counsel for the applicant that the applicant was performing the quasi judicial function and, therefore, his decision cannot be challenged because there is an alternative remedy available in appeal, the learned counsel for the respondents submitted that the applicant was not performing the quasi judicial function. There was no adjudication involved in the decision taken by the applicant and, therefore, it cannot be said that the applicant was performing any quasi judicial function.

29. He further submitted that even if for the sake of arguments, it is accepted that the applicant was performing quasi judicial function, even then disciplinary proceedings can be initiated against him. In support of his arguments he referred to the judgment of the Hon'ble Supreme court in the case of **Union of India vs. K.K. Dhawan**, 1993 (24) ATC 1. In Para 28 and 29 of the judgment, the Hon'ble Apex Court has held:-

"28. Certainly, therefore, the officer who exercises judicial or quasi judicial powers acts negligently or recklessly or in order

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to confer undue favour on a person is not acting as a Judge. Accordingly, the contention of the respondents has to be rejected. It is important to bear in mind that the present case, we are not concerned with the correctness or legality of the decision of the respondents but the conduct of the respondent in discharge of his duties as an officer. The legality of the orders with reference to the nine assessments may be questioned in appeal or revision under the Act. But we have no doubt in our mind that the Government is not precluded from taking the disciplinary action for violation of the Conduct Rules. Thus, we conclude that the disciplinary action can be taken in the following cases:

- (i) Where the officer had acted in a manner as would reflect on his reputation for integrity or good faith or devotion to duty.
- (ii) If there is prima facie material to show recklessness or misconduct in the discharge of his duty.
- (iii) If he has acted in a manner which is unbecoming of a Government servant;
- (iv) if he had acted negligently or that he omitted the prescribed conditions which are essential for the exercise of the statutory powers.
- (v) if he had acted in order to unduly favour a party.
- (vi) if he had been actuated by corrupt motive, however small the bribe may be because Lord Coke said long ago " though the bribe may be small, yet the fault is great."

29. The instances above catalogued are not exhaustive. However, we may add that for a mere technical violation or merely because the order is wrong and the action not falling under the above enumerated instances, disciplinary action is not warranted. Here, we may utter a word of caution. Each case will depend upon the facts and no absolute rules can postulated."

30. The learned counsel for the respondents further submitted that the charge sheet has been issued by the competent authority. It does not suffer of malice either of fact or law. Therefore, it cannot be quashed by the Tribunal at this stage. He further pointed out that the Inquiry Officer has completed the inquiry and submitted its report. A copy of the report has also been provided to

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the applicant. Therefore, there is no ground to quash the charge sheet at this stage. Hence the OA has no merit and it should be dismissed with costs.

31. Heard the rival submission of the parties, perused the documents on record and the case law referred to by the learned counsel for the parties.

32. The learned counsel for the applicant argued that the entire departmental proceedings were initiated on account of malice of facts and law. However, from the perusal of the pleadings as well as documents on record, we are not convinced with the contention of the learned counsel for the applicant that the charge sheet was issued on account of malice either in law or facts. The applicant has not made any respondent as party by name. Therefore, it cannot be said that the charge sheet has been issued on account of malice of facts. The applicant has not leveled charge of bias against the respondents who have issued the charge sheet. We are also of the opinion that the charge sheet does not suffer from malice in law. Thus the applicant is not entitled for any relief on this ground.

33. The learned counsel for the applicant has also submitted that since the Anti Corruption Bureau has filed the final report in a criminal case against the applicant on the same charge, therefore, no departmental proceedings can be initiated against the applicant as a final report was submitted in the criminal case. The learned counsel for the respondents has submitted that mere acquittal in a criminal charge or filing of a final report in a criminal case does not preclude the competent authority from initiating departmental

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proceeding against a government servant. We are fully in agreement with the contention of the learned counsel for the respondents that disciplinary proceedings can be initiated even if a final report has been filed by the Investigating Authority. It is settled law that the appreciation of evidence in a criminal case and appreciation of evidence in a departmental proceeding are different. The Hon'ble Supreme Court in the case of **Noida Entrepreneurs Association vs. Noida & Others**, JT 2007 (2) SC 620, in Para No. 12 of the judgment has held that:-

"12. So crime is an act of commission in violation of law or of omission of public duty. The departmental enquiry is to maintain discipline in the service and efficiency of public service."

34. Further, the Hon'ble Supreme Court in the case of **Union of India vs. Bihari Lal Sidhana**, 1997 SCC (L&S) 1076 in Para No. 5 has observed as under:-

"5. It is true that the respondent was acquitted by the criminal court but acquittal does not automatically give him the right to be reinstated into the service. It would still be open to the competent authority to take decision whether the delinquent government servant can be taken into service or disciplinary action should be taken under the Central Civil Services (Classification, Control and Appeal) Rules or under the Temporary Service Rules. Admittedly, the respondent had been working as a temporary government servant before he was kept under suspension. The termination order indicated the factum that he, by then, was under suspension. It is only a way of describing him as being under suspension when the order came to be passed but that does not constitute any stigma. Mere acquittal of government employees does not automatically entitle the government servant to reinstatement. As stated earlier, it would be open to the appropriate competent authority to take a decision whether reinstatement or appropriate action should be taken as per law, if otherwise available. Since the respondent is only a temporary government servant, the power being available under Rule 5(1) of the Rules, it is always open to the competent authority to invoke the said power and terminate the services of the employee instead of conducting the enquiry or to continue in service a government accused of

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defalcation of public money. Reinstatement would be a charter for him to indulge with impunity of misappropriation of public money."

Thus, it is clear that mere submitting a final report in a criminal case does not preclude the competent authority from initiating departmental proceedings against a government servant. Therefore, on this ground also, the applicant is not entitled for any relief.

35. With regard to the contention of the applicant that the inquiry is being conducted by an Officer who is neither authorized to conduct the inquiry nor he is empowered being junior to the applicant, we are inclined to agree with the contention of the learned counsel for the respondents that inquiry is being conducted by a senior officer i.e. Commissioner I, Departmental Inquiry, who was appointed vide order dated 12.05.2008. Therefore, even on this ground, the applicant is not entitled for any relief.

36. With regard to the objection of the learned counsel for the respondents that the OA has been filed after considerable delay, the learned counsel for the applicant submitted that the applicant had filed his reply to the charge sheet on the same day i.e. 30.06.2004 and thereafter he did not hear anything from the respondents till the Inquiry officer was appointed vide order dated 18.09.2007. Therefore, the applicant was under the impression that the reply submitted by the applicant to the charge sheet may have been accepted. He was surprised by the order dated 18.09.2007 (Annexure A/1) vide which the Inquiry Officer was appointed after a lapse of more than three years. Therefore, there is no deliberate

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delay on the part of the applicant and it cannot be said that the present OA is beyond limitation. We are inclined to agree with the contention of the learned counsel for the applicant. From the perusal of the record on documents, it is clear that the applicant submitted his reply to the charge sheet on 30.06.2004 and Inquiry Officer has been appointed on 18.09.2007. Therefore, we are not inclined to dismiss this OA on the ground of limitation.

37. With regard to the contention of the learned counsel for the applicant that the applicant was performing the quasi judicial function, the learned counsel for the respondents submitted that the applicant was performing the administrative function and there was no adjudication involved in the matter. We are not inclined to agree with the arguments of the learned counsel for the applicant that the applicant was exercising quasi judicial power while taking decision under Section 83-A of JDA Act 1982 and Regulation 44 of the JDA Building Regulations. Moreover, we are in agreement with the contention of the learned counsel for respondents that even if the applicant was performing quasi judicial function, the disciplinary proceedings can be initiated against the applicant. The ratio decided by the Hon'ble Supreme Court in the case of **Union of India vs. K.K. Dhawan** (supra) is squarely applicable in this case. Further the Central Administrative Tribunal, Madras Bench in the case of **Dr. G. Sreekumar Menon vs. Union of India & Others** (OA No. 968/2005 decided on 30.11.2006) in Para No. 14 as held that:-

"14. In a recent judgment, Their Lordship of the Hon'ble Supreme Court in *Union of India v. Dulichand*, C.A. 2168/2006 dated 21.5.2006, held as follows:

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"In our opinion, Nagarkar's case was contrary to the view expressed in K.K. Dhawan's case. The decision in K.K. Dhawan being of that larger bench would prevail. The decision in Nagarkar's case therefore does not correctly represent the law. Inasmuch as impugned order of the Tribunal and the High Court were passed on the law enunciated in Nagarkar's case this appeal must be allowed. The impugned decisions are accordingly set aside and the order of punishment upheld."

Moreover, the applicant can raise all these objections before the Inquiry Officer or before the Disciplinary Authority while presenting his case.

38. The learned counsel for the applicant also raised the issue of delay in issuing the charge sheet. He submitted that the matter relates to the year 1993-1994 when the applicant was posted as Commissioner of Jaipur Development Authority. However, the charge sheet was issued to the applicant on 29.06.2004 and this inordinate delay has not been explained and, therefore, the charge sheet be quashed on the ground of inordinate delay. With regard to the delay in issuing the charge sheet to the applicant, the matter has been dealt at length by this Tribunal in **OA No. 390/2005 decided on 22.08.2007** in the case of T.R. Verma vs. Union of India & Others. While deciding the issue, the Tribunal considered the following judgments of the Hon'ble Supreme Court:-

1. State of A.P. vs. N. Radhakishan
1998 (4) SCC 154
2. Kuldeep Sharma vs. State of Rajasthan & Ors.
1998 (3) WLC (Raj.) 713
3. P.V. Mahadevan vs. M.D. Tamil Nadu Housing Board
JT 2005 (7) SC 417

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39. Para Nos. 14 & 15 of the order **OA No. 390/2005 decided on 22.08.2007** in the case of T.R. Verma vs. Union of India & Others are quoted below:-

"14. Thus we see explanation given by the respondents as to how there was delay in issuing the charge sheet, at what level and at what contemplation, the decision was taken to issue the charge sheet. It is just a co-incidence that it was the retirement day of the applicant when the charge sheet was issued. We may mention here in this case we do not find that there was any inordinate or unexplained delay on the part of the respondents in issuing the charge sheet. The delay, if at all, had taken place has been properly explained by the department. So we find that merely on account of delay, which has been properly explained by the department, the charge sheet cannot be quashed.

15. As regards the quashing of the impugned order vide which the Inquiry Officer has been appointed, the same has been issued after considering the explanation given by the employee. The Tribunal at this stage cannot comment on the merit or the defence taken up by the applicant which he has submitted by way of his representation after the charge sheet was issued. It is for the Inquiry Officer to decide on evidence whether the applicant is guilty or not, whether any misconduct has been committed or not. This Court will not go into the merit and de-merit of the charge sheet based on the facts on which the charge sheet has been issued."

Thus following the findings of the this Tribunal in OA No. 390/2005 we are of the view that the delay, if any, has been suitably explained by the respondents and, therefore, no interference is called for by the Tribunal on this ground in the present OA.

40. Moreover, the Hon'ble Supreme Court in the case of **Chairman, Life Insurance Corporation of India & Others vs. A. Masilamani**, 2013 (6) SCC 530, in Para No. 18 has held as under:-

"18. The Court/tribunal should not generally set aside the departmental enquiry, and quash the charges on the ground of delay in initiation of disciplinary proceedings, as such a power is de hors the limits of judicial review. In the event that the court/tribunal exercises such power, it exceeds its power of

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judicial review at the very threshold. Therefore, a charge sheet or show cause notice, issued in the course of disciplinary proceedings, cannot ordinarily be quashed by the court. The same principle is applicable in relation to there being a delay in conclusion of disciplinary proceedings. The facts and circumstances of the case in question have to be examined taking into consideration the gravity/magnitude of charges involved therein. The essence of the matter is that the court must take into consideration all relevant facts and to balance and weigh the same, so as to determine if it is in fact in the interest of clean and honest administration, that the judicial proceedings are allowed to be terminated only on the ground of delay in their conclusion."

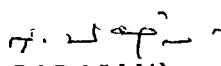
Therefore, even on the ground of delay, the applicant is not entitled for any relief.


41. Therefore, we are of the view that looking from any angle, the applicant has failed to make out any case for the grant of relief in the present OA.

42. Consequently, the OA being devoid of merit is dismissed with no order as to costs.

43. In view of the order passed in the OA, the prayer sought in MA No. 291/00206/2014 for grant of interim relief does not survive for consideration.

44. A copy of this order be kept in the file of OA No. 105/2008. The MA No. 291/00209/2014 filed in OA No. 105/2008 for grant of interim relief does not survive for consideration.


(M. NAGARAJAN)
MEMBER (J)


(ANIL KUMAR)
MEMBER (A)

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