

**Central Administrative Tribunal
Principal Bench**

**CP No.391/2015
In
OA No.3493/2013**

New Delhi, this the 8th day of October, 2015

**Hon'ble Mr. Justice B.P.Katakey, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)**

Shri Rakesh Kumar Tyagi,
S/o Late R.R. Tyagi,
Retd. As Sr. General Manager,
R/o C-323, East End,
Apartments, Mayur Vihar,
Phase-I (Extn),
Delhi-110 096.

...petitioner

(By Advocate : Shri Manjeet Singh Reen)

Versus

Union of India & Ors : through

1. Shri Rakesh Garg,
Secretary,
Ministry of Telecommunication &
Information Technology,
Sanchar Bhawan,
New Delhi.
2. Shri Ashim Khurana,
Secretary,
Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi-110 069.

...respondents

(By Advocate : Shri Subhash Gosain for R-1
Shri Ravinder Aggarwal for R-2)

ORDER (ORAL)

Mr. Justice B.P. Katakey, Member (J) :

The petitioner, who has retired from service on attaining the age of superannuation on 31.03.2012, has filed this Petition seeking initiation of contempt proceedings against the respondent Nos.1&2, namely, Shri Rakesh Garg, Secretary, Ministry of Telecommunication and Information Technology, Govt. of India and Shri Ashim Khurana, Secretary, UPSC, New Delhi, contending *interalia* that the direction issued by this Tribunal vide order dated 22.08.2014 in OA No.3493/2013, has been wilfully/deliberately violated.

2. Heard Shri Manjeet Singh Reen, learned counsel for petitioner and Shri Subhash Gosain and Shri Ravinder Aggarwal, learned counsels for respondents.

3. The learned counsel appearing for the petitioner, referring to the aforesaid order dated 22.08.2014 passed in the OA has submitted that though the order imposing penalty dated 06.06.2013 has been set aside by this Tribunal and also the disciplinary proceedings initiated against the petitioner from the stage at which the disciplinary authority has referred the matter to the CVC for second stage advice, giving liberty to the respondents to take afresh decision in the matter after following the procedure from

the stage of the report of the Inquiry Officer in consonance with the provisions of CCS (CCA) Rules, 1965 and the extant instructions on the subject, the petitioner has not been paid the retiral benefits and the proceedings initiated against him has not been completed.

3. The learned counsel appearing for the respondent No.1 referring to the averments made in the compliance affidavit filed, more particularly, order dated 04.08.2015 issued by the Under Secretary to the Government of India, Ministry of Communication and Information Technology, Department of Telecommunication has submitted that pursuant to the aforesaid order dated 22.08.2014, passed by this Tribunal, the order imposing penalty dated 06.06.2013 has been withdrawn and it has been decided to proceed afresh from the stage of supplying the copy of UPSC advice , which, however, has subsequently been modified vide order dated 03.09.2015 issued by the same authority to the effect that the disciplinary proceedings would continue from the stage of receipt of the report of the Inquiry Officer as directed by this Tribunal. Producing a copy of the Revised Pension Payment Order dated 30.09.2015, which is kept on record, it has also been submitted that the full pension payable to the petitioner has been directed to be paid, which would now be paid by the Bank to the petitioner. It has also been submitted that the effort is being made for early disposal of the departmental proceedings against the petitioner.

4. The learned counsel appearing for the petitioner submits that the copy of the revised Pension Payment Order dated 30.09.2015 has not been served on the petitioner and retiral benefits payable pursuant to the revised PPO have not been received by the petitioner as yet.

5. The learned counsel appearing for respondent No.2 has submitted that there being no direction against the UPSC in the aforesaid order dated 22.08.2014 passed by this Tribunal, the respondent No.2 may be struck off from the list of respondents.

6. Having regard to the direction issued by this Tribunal in the order dated 22.08.2014, the name of respondent No.2 is struck off from the list of respondents, there being no direction issued to the Secretary, UPSC.

7. This Tribunal by the aforesaid order dated 22.08.2014 has set aside the order dated 06.06.2013 imposing the penalty and directed continuance of the proceedings, if so advised, from the stage of submission of the inquiry report by the Inquiry Officer.

8. The Under Secretary has issued the order dated 04.08.2015 withdrawing the aforesaid order dated 06.06.2013 imposing the penalty and also to the effect that the petitioner would be entitled to

all the consequential benefits as admissible as per law. Though in the said order it has been observed that the disciplinary proceedings initiated against the petitioner would continue from the stage of the receipt of the UPSC advice, the same, however, has been modified vide order dated 03.09.2015 issued by the Under Secretary to the effect that the disciplinary proceedings would continue from the stage of receipt of the copy the report of the Inquiry Officer, as directed by this Tribunal. The revised PPO dated 30.09.2015 also reveals that the Chief Manager, State Bank of India, Chandni Chowk Branch Premises, Delhi has been directed to pay the pension to the petitioner as stipulated in the said revised PPO. The respondent No.1, therefore, has complied with the direction issued by this Tribunal. The petitioner would definitely get the benefit of the revised PPO dated 30.09.2015 from the said Bank in due course.

9. In view of the above, we are of the view that there is no contempt committed by respondent No.1 and hence the Contempt Petition stands closed and disposed of. Notices issued to the respondents stand discharged. Before parting with the record, we hope and trust that since the petitioner has retired on 31.03.2012, all endeavour would be made by the disciplinary authority to complete the pending disciplinary proceedings against the petitioner

as expeditiously as possible, preferably within a period of six months from today.

(V.N. Gaur)
Member (A)

(Justice B.P. Katakey)
Member (J)

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