

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**M.As. No.1219 and 1220 of 2016 In
O.A. No.660/2008**

New Delhi this the 1st day of April, 2016

**HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J)
HON'BLE MR. SHEKHAR AGARWAL, MEMBER (A)**

R.P.S. PanwarApplicant

(By Advocate by: Shri R.K. Kapoor for respondent
In MA/applicant in OA)

Versus

U.O.I. and OthersRespondents

(By Advocate: Shri Gyanendra Singh for applicant in
MAs/respondent in OA)

ORDER (ORAL)

Justice M. S. Sullar, Member (J)

MAs No. 1219 & 1220 of 2016

The compectus of the facts and material, which needs a necessary mention for the limited purpose of deciding the instant two Miscellaneous Applications (MA) bearing No.1220/2016 for condonation of delay and 1219/2016 for extension of time filed by the respondents is that initially, applicant, R.P.S. Panwar filed Original Application (OA) bearing No.660/2008, challenging the proceeding in departmental enquiry initiated against him.

2. Having completed all the codal formalities, the OA came to be decided by the Tribunal on 27.09.2011 and the operative part of the order is as under:-

“5. In totality of the facts and circumstances of the case, we direct the respondents to complete the inquiry as expeditiously as possible and preferably within a period of six months from the date of receipt of copy of this order. We are sanguine that the applicant would cooperate in the inquiry”.

3. Instead of complying with the directions contained in the order within a stipulated period, the respondents have preferred the instant MAs for condonation of delay in filing the application and for extension of time to complete the enquiry, *inter alia*, pleading that earlier respondents had filed MAs bearing No.2653 and 2654 of 2012 respectively seeking extension of time and condonation of delay which were dismissed as having become infructuous by means of order dated 16.04.2013 passed by this Tribunal. The respondents again filed MAs bearing No.2593 and 2600 of 2013 for extension of time and condonation of delay to enable the respondents to comply with the departmental proceedings, but the same were also rejected by this Tribunal on 25.11.2013.

4. Thereafter, the respondents approached the Hon'ble High Court of Delhi by way of Writ Petition (C) No.8183/2014 titled as **U.O.I. Vs. R.P.S. Panwar** and the same was dismissed with the liberty to approach the Central Administrative Tribunal once again with fresh application by means of order dated 05.12.2014 (Annexure MA-2).

5. The case of the respondents further proceeds that due to superannuation of Inquiry Officer (IO) on 31.08.2014, enquiry could not be completed. On 26.02.2015, another IO

was appointed, who sought the clarification from the Disciplinary Authority in respect to the order of this Tribunal. Therefore, the enquiry could not be completed on time. On the basis of the aforesaid grounds, the respondents sought extension of 7 months to complete the departmental enquiry. The learned counsel for the Applicant has seriously opposed this prayer of the respondents.

6. After hearing the learned counsel for the parties and going through the record, we are of the considered opinion that no grounds for condonation of delay and extension of time are made out.

7. As is evident from the record, respondents were directed to complete the enquiry as expeditiously as possible and preferably within a period of 6 months from the date of receipt of a copy of the order dated 02.09.2011 rendered in OA No.660/2008. It is not a matter of dispute that previously the MAs No.2654/2012, 2653/2012, 2600/2013 and 2593/2013 for condonation of delay and extension of time were dismissed by this Tribunal vide orders dated 16.04.2013 and 25.11.2013 respectively.

8. The main ground taken in the MAs and urged on behalf of the respondents that enquiry could not be completed on account of superannuation of first IO and appointment of fresh IO, cannot be accepted. It was for the Disciplinary Authority to complete the enquiry proceedings

in pursuance of the indicated order of this Tribunal, particularly when it is not his case that the applicant has in any manner delayed the departmental proceedings.

9. It cannot possibly be denied that the tendency and frequency of the departments concerned not to complete the enquiry proceedings and to comply the order of the courts and then to file the MA for extension of time on unfounded grounds, have been tremendously increasing day by day, which needs to be curbed. Therefore, we are of the considered opinion, no grounds, much less cogent to condone the delay and to extend the time for compliance of the order of this Tribunal are made out.

10. In the light of aforesaid reasons, as there is no merit, the MAs are dismissed with cost of Rs.2000/- to be paid by the respondents to the applicant.

**(SHEKHAR AGARWAL)
MEMBER (A)**

**(JUSTICE M.S. SULLAR)
MEMBER (J)**

Rakesh