

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-1257/2017

New Delhi this the 18th day of April, 2017.

Hon'ble Mr. Shekhar Agarwal, Member (A)

Hon'ble Mr. Raj Vir Sharma, Member (J)

Sh. Subhash Chander Luthra,
Employee Code: 075 Age: 55 years
Designation: P.A.(Group-B)
Posting at: Under Secretary (LA&IR)
Ministry of Coal,
5th Floor, Lok Nayak Bhawan,
New Delhi-110001
S/o Sh. Om Prakash Luthra,
R/o 41, RAS Vihar Apartments,
MIG Flats, I.P. Extension,
Patparganj, Delhi-110092.

..... Applicant

(through Sh. S.C. Sagar, Advocate)

Versus

1. Union of India through
Secretary, Govt. of India,
Ministry of Coal,
Room No. 317, A Wing, 3rd Floor,
Shastri Bhawan, New Delhi.
2. Union Public Service Commissions
Through Chairman/Secretary,
Dhaul Pur House, Shahjahan Road,
New Delhi-110001.

..... Respondents

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

This O.A. has been filed seeking the following relief:-

- “(i) set aside the impugned order dated 23.3.2017 (Annexure-A) passed by the Respondent No.1;

- (ii) direct the Respondents to dispose off the representation dated 11.8.2014 (Annexure-A3), 16.5.2016 (Annexure-A-4) and 28/29.3.2017 (Annexure-A-2);
- (iii) pass any order/relief/direction(s) may deem fit and proper in the interest of justice in favour of the applicant."

2. Learned counsel for the applicant Sh. S.C. Sagar argued that by the impugned order dated 23.03.2017 the respondents have communicated their decision to conduct a fresh enquiry against the applicant three years after the judgment of this Tribunal in OA-2039/2011 pronounced on 23.07.2014 in which the following order was passed:-

"18. Considering the entire conspectus of the case, we are of the view that the applicant has been denied the reasonable opportunity to defend himself by the Complaint Committee (Women Cell) because of the manner in which the enquiry was conducted and, therefore, the orders of the disciplinary and reviewing authorities are vitiated in law and liable to be quashed and set aside. We accordingly quash and set aside the orders passed by the disciplinary authority and the reviewing authority with liberty to the disciplinary authority to conduct a fresh enquiry strictly in accordance with applicable rules and law, if so advised. However, if the disciplinary authority decides to conduct a fresh enquiry, the disciplinary proceedings shall be completed within a period of six months from the date of ordering such enquiry."

Thus, the impugned order was violative of directions given by the Tribunal.

3. Learned counsel also relied on the O.M. No. 11013/7/2016-Estt.A-III dated 22.12.2016 of DoP&T in which a time schedule has

been prescribed for completion of enquiry in the cases regarding sexual harassment of women at workplace.

4. We have considered the aforesaid submission of the learned counsel. We find that in this Tribunal's order dated 23.07.2014 passed in OA-2039/2011 while time limit of six months had been prescribed for completion of enquiry from the date of ordering such enquiry, no time limit was prescribed for ordering the enquiry. Thus, the impugned order is not violative of any directions given by the Tribunal.

4.1 Further, we notice that in OM dated 22.12.2016 relied upon by the applicant, while a time limit had been prescribed for completion of enquiry in cases of sexual harassment of women at workplace, consequences of non-observance of these directions have not been spelt out. Thus, it does not follow that if enquiry is not completed as per the time schedule laid down in this O.M., such an enquiry would be vitiated.

4.2 No other ground was pressed before us.

5. We are, therefore, of the opinion that there is no merit in this O.A. and interference by the Tribunal at this stage is not warranted.

We, therefore, dismiss this O.A. in limine.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/Vinita/