

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.1324/2017
M.A.No.1451/2017
M.A.No.1452/2017
M.A.No.1453/2017

Monday, this the 8th day of May 2017

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

1. Mr. Prem Singh Manral
Aged 67 years
s/o Mr. K S Manral
r/o B-H1/304, Classic Residency
Rajnagar Extn. NH-58, Ghaziabad
Uttar Pradesh-201017
(Retired)
Group A, Research Officer
2. Mr. Zahoor-ul-Haq
Aged 69 years
s/o late Mr. Zamirul Haq
r/o R-229/A, HIG Duplex
Sector 12, Pratap Vihar
Ghaziabad
Uttar Pradesh 201009
(Retired)
Group A, Senior Research Officer

..Applicants

(Mr. Atul Sharma, Advocate)

Versus

1. Indian Institute of Mass Communication
(IIMC)
Aruna Asif Ali Marg
JNU New Campus
New Delhi – 110 067

Represented through its Director General
2. The Ministry of Information & Broadcasting
Govt. of India

Room No.655, A Wing
Shastri Bhawan, New Delhi – 110 001

Represented through its Secretary

..Respondents

(Mr. Hanu Bhasker, Advocate)

O R D E R (ORAL)

Justice Permod Kohli:

M.A. No.1451/2017

M.A. seeking joining together in a single petition is allowed.

O.A. No.1324/2017

Both the applicants were served with separate memos of charge dated 31.07.2008 for initiating disciplinary proceedings. Along with the memos of charge, articles of charge and statement of imputation of misconduct or misbehavior in support of the articles of charge, were also served. However, a common inquiry was initiated against the applicants. They have placed on record the proceedings of the preliminary hearing held on 24.08.2009 by the Inquiring Authority, which, *inter alia*, demonstrate that a common inquiry was initiated against the applicants. We are informed that the inquiry was completed in January 2010, however, no further proceedings have been held by the Disciplinary Authority.

It is under these circumstances that the present O.A. has been filed by the applicants seeking quashment of the memos of charge and consequential departmental proceedings.

2. Since the inquiry already stands completed, we do not think it appropriate to quash the disciplinary proceedings merely on the question of delay. However, at the same time, the Disciplinary Authority cannot withhold the decision on the inquiry report for years together. It is travesty of justice.

3. Under the above circumstances, without going into the merits of the controversy, we dispose of this O.A. at the admission stage itself with a direction to respondent No.1 (competent Disciplinary Authority) to take decision on the inquiry report arising out of the memos of charge dated 31.07.2008 said to be held against the applicant, within a period of two months. In the event the Disciplinary Authority decides to initiate any action on the basis of the inquiry report, the same shall be done in accordance with the procedure prescribed under the relevant rules, which includes serving of the copy of the inquiry report providing opportunity to the applicants to make their representation in respect to inquiry report. In such an eventuality, apart from allowing the applicants to make a representation, they shall be provided personal hearing as well, if so demanded.

In view of the aforesaid order, M.A. Nos.1452 & 1453 of 2017 stand disposed of.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

May 8, 2017
/sunil/