

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

OA No.1569/2017

New Delhi this the 9th day of January, 2018

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Ms. Praveen Mahajan, Member (A)**

Shri R.K.Nim
Aged about 64 years
S/o Late Jiwa Ram
R/o B-1355/2, Sangam Vihar
New Delhi.
(Retired as Director, Western Printing Group (WPG)
Survey of India, New Delhi.) Applicant.

(By Advocate:Shri S.K.Gupta)

Versus

Union of India through

1. Secretary
Department of Science & Technology
Ministry of Science & Technology
Govt. of India, Technology Bhawan
New Mehrauli Road,
New Delhi – 110 016.
2. Surveyor General of India
Haathikalan Estate
Post Box No.37
Dehradun.
3. Union Public Service Commission
Through its Secretary
Dholpur House,

Shahjahan Road
New Delhi.

.....Respondents

(By Advocates:Shri B.L.Wanchoo and Shri Ravinder Agarwal)

ORDER (ORAL)

By Hon'ble Mr. Justice Permod Kohli, Chairman

The applicant was working as Director (SAG) w.e.f. 26.10.2006. He was served with the chargesheet dated 05.03.2012 and during the pendency of the disciplinary proceeding, he retired on 30.06.2012. The applicant was due for consideration for promotion to the posts of Deputy Director and Director (SAG). It is common case of the parties that the applicant is seeking retrospective promotion for the post of Deputy Director (JAG) from the date his juniors were promoted on the basis of review DPC. It is stated by the applicant that a DPC was held on 11.05.2016 for consideration of the applicant for retrospective promotion to the post of Deputy Director in the Department of Survey of India. However on account of the pendency of the disciplinary proceedings, the recommendation has been kept in sealed cover by the DPC. The applicant earlier filed OA No.498/2017 challenging the validity of the chargesheet, the inquiry and the penalty order whereby the applicant was

imposed penalty of 50% cut in pension. The said OA was allowed vide judgment dated 02.11.2017 with the following directions :-

"6. In this view of the matter, we allow this OA with the following directions :-

- (i) The charge-sheet dated 05.03.2012 (Annexure A-1), the inquiry report dated 01.02.2013 (Annexure A-2) and final penalty order dated 15.06.2016 (Annexure A-3) are hereby quashed.
- (ii) As a corollary thereto, the applicant shall be entitled to all the consequential benefits, including the pension as also the refund of the pension, if any, recovered in terms of the impugned penalty order. This shall be done within a period of four months from the date of receipt of a copy of this order.
- (iii) The disciplinary authority is, however, at liberty to serve the fresh charge-sheet in accordance with law, if so desired.

Original records produced by the respondents are returned."

2. The chargesheet, the Inquiry proceeding and the disciplinary order all were set aside primarily for non-approval of the chargesheet by the competent authority. While setting aside the disciplinary proceedings the disciplinary authority was granted liberty to issue a fresh chargesheet in accordance with law. No such chargesheet has been issued till date.

3. In view of the above circumstances, this OA is disposed of, with a direction to the respondents to open the sealed cover and depending upon the recommendations of review DPC, his case

may be processed and if he is found suitable, he may be granted all the promotional benefits in accordance with law, within a period of two months from the date of receipt of a copy of this order.

(Praveen Mahajan)
Member (A)

(Justice Permod Kohli)
Chairman

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