

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

O.A. No.911/2018

Monday, this the 26th day of February 2018

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

Navlendra Kumar Singh
Aged about 40 years
DANICS, Group A
S/o Shri Maheshwar Singh
r/o 34-B, Pocket B
Mayur Vihar, Phase II, Delhi

(Mr. M K Bhardwaj, Advocate)

..Applicant

Versus

1. Union of India through its Secretary
Ministry of Home Affairs
North Block, New Delhi – 110 001

2. The Jt. Secretary (UT)
Ministry of Home Affairs
North Block, New Delhi – 110 001

3. Govt. of National Capital Territory of Delhi
Through its Chief Secretary
Delhi Secretariat, Delhi

(Mr. Manish Kumar, Advocate)

..Respondents

O R D E R (ORAL)

Justice Permod Kohli:

Notice. Mr. Manish Kumar, learned counsel appears and accepts notice on behalf of respondent Nos. 1 & 2.

2. The applicant is a DANICS officer. He has been served with the charge memo dated 10.03.2017 (Annexure A-1), which is subject matter of

challenge in the present O.A. The applicant was called upon by the aforesaid charge memo to submit his written statement of defence within ten days. He has submitted his written statement of defence on 06.06.2017 (Annexure A-14). It seems that on account of contemplated disciplinary proceedings, the applicant was also placed under suspension on 23.08.2016. The said suspension was challenged before this Tribunal in O.A. No.4047/2016, which was quashed vide judgment dated 16.12.2016. The prayer made in the instant O.A. is for quashing the charge memo.

3. One of the grounds for challenging the charge memo is (i) no action on the part of the disciplinary authority, (ii) the applicant was performing the quasi-judicial functions as an adjudicatory authority; and (iii) all his actions were in accordance with law. For this purpose, the applicant has placed reliance upon the judgment of the Hon'ble High Court of Delhi in **Samarth Siksha Samiti (Regd.) & others v. Govt. of NCT of Delhi & others** (Civil Writ No.6067/2000) decided on 12.12.2002 and connected matters (Annexure A-16). The applicant has also placed reliance upon the judgments of Hon'ble Supreme Court in **Inspector Prem Chand v. Govt. of NCT of Delhi & others**, JT 2007 (5) SC 294 and **Zunjarrao Bhikaji Nagarkar v. Union of India & others**, (1999) 7 SCC 409 as also the decision of this Tribunal in **Farooq Anjum v. South Delhi Municipal Corporation & another** (O.A. No.831/2013 with connected cases) decided on 11.11.2013.

4. It is further the case of the applicant that no misconduct is made out. Admittedly, he has filed his written statement of defence, which is required to be considered by the disciplinary authority in terms of Rule 14 (5)(a) of CCS (CCA) Rules, 1965. The disciplinary proceedings are pending for almost a year. The disciplinary authority has not taken any decision on the representation in terms of Rule 14 (5)(a) and neither accepted the representation nor proceeded to hold inquiry in accordance with law. It is obligatory upon the disciplinary authority to take decision whether to drop the charge or to proceed to hold an inquiry against the applicant in terms of sub Rule (5)(a) of Rule 14 *ibid*.

5. Time and again, the Tribunal, Hon'ble High Court and Hon'ble Supreme Court have issued directions and held that the disciplinary proceedings should be completed within the time specified in terms of the Circular No.000/VGL/18 dated 23.05.2000 issued by the Central Vigilance Commission (CVC) as also the judgment of Hon'ble Supreme Court in **Prem Nath Bali v. Registrar, High Court of Delhi & another, 2016 (2) SLJ 1 (SC)**. It is almost one year that the disciplinary authority has not concluded the disciplinary proceedings either way, whether at the interim stage of consideration under Rule 14 (5)(a) or finally.

6. In the given circumstances, this O.A. is disposed of with direction to the disciplinary authority to conclude the disciplinary proceedings in all respects whether by taking a decision at the stage of Rule 14 (5)(a) of CCS (CCA) Rules, 1965 or finally, within a period of four months from the date of receipt of a copy of this order. Needless to say that the disciplinary

authority will take into consideration the aforesaid judgments relied upon by the applicant.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

February 26, 2018
/sunil/