

Central Administrative Tribunal
Principal Bench, New Delhi

OA No. 974/2018

New Delhi this the 1st day of March, 2018

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

Sh. Kuldeep Pakad,
S/o Late Sh. Johri Lal,
R/o 372, NTO-CGHS Ltd.,
Plot No.3-A, Sector-22,
Dwarka, New Delhi

- Applicant

(By Advocate: Mr. V.C. Pandey)

Versus

Union of India – (through)

1. Secretary,
Ministry of Home Affairs,
Govt. of India, North Block,
New Delhi
2. Secretary, DoPT,
Govt. of India,
Secretary, North Block,
New Delhi
3. Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi
4. Central Vigilance Commission,
Through Secretary, CVC Satarkta,
Bhawan, INA, New Delhi
5. Chief Secretary,
Govt. of NCT of Delhi
5th Level, Delhi Secretariat,
IP Estate, New Delhi

- Respondents

(By Advocates: Mr. N.K. Aggarwal for respondent no.1 &2)
Mr. R.V. Sinha for respondent no.3)

O R D E R (Oral)**Justice Permod Kohli:**

Notice to respondent nos. 1 to 3 only. Mr. N.K. Aggarwal and Mr. R.V. Sinha, learned counsel, accept notice for respondent no.1 &2 and 3 respectively.

2. This OA has been filed seeking the following reliefs:-

“1. Call the record of the Disciplinary proceedings including CVC advice;

2. The operation of the notification of selected list of IAS dated 14.12.2017 for vacancies of 2016 may kindly be stayed till the disposal of the OA.

3. Decide the departmental proceedings initiated vide Charge Memo vide F.No.14033/12/2013-UTS-II dated 31.07.2013;

4. Issue the notification for the induction in IAS AGMUT cadre from the select list of 2016 with all consequential benefits to the applicant;

5. The select list of 2016 IAS AGMUT not to be invalid till the disposal of this OA.”

3. The relief nos. 1,4 and 5 are dependent upon the outcome of the disciplinary proceedings initiated against the applicant. Relief no.3 is for the disposal of the disciplinary proceedings initiated against the applicant.

4. The applicant is a DANICS Officer. He was issued a charge memo dated 31.07.2013. The applicant submitted his representation as required in the charge memo on 10.09.2013. The disciplinary authority, however, appointed the IO and PO on 22.09.2013. The applicant approached this Court in OA No. 4445/2013. This OA was dismissed vide order dated 01.08.2016 with the further direction to the disciplinary authority to expedite the disciplinary proceedings

and the applicant was also directed to cooperate and associate himself with the inquiry.

5. The inquiry was completed and the inquiry report dated 17.07.2017 was submitted to the disciplinary authority. This inquiry report was served upon the applicant on 10.10.2017 and the applicant filed his representation on 17.10.2017 in respect to the inquiry report.

6. The relief no.3 is for a direction to the disciplinary authority to dispose of the disciplinary proceedings. Admittedly, the disciplinary authority is seized of the inquiry report since July 2017. Even after receiving the representation from the applicant in October, 2017, the disciplinary proceeding has not been finally concluded.

7. This OA is accordingly disposed of, at the admission stage, with a direction to the disciplinary authority to complete the disciplinary proceedings by passing a final order within a period of three months from the date of receipt of a copy of this order. Since the other reliefs claimed by the applicant are dependent upon the outcome of the disciplinary proceedings, the applicant shall have liberty to seek remedial measures in the event all the grievances are not addressed to.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

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