

**Central Administrative Tribunal
Principal Bench**

**OA No.1837/2017
MA No.4171/2017**

New Delhi, this the 28th day of November, 2017

**Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

Indira Rani, Aged 60 years,
Group 'A',
Principal/Head of the School,
SKV Patparganj,
Under Dte of Education,
GNCT of Delhi,
R/o 152, Gagan Vihar Ext.,
Delhi-110052.

...Applicant

(By Advocate : Ms. Meenu Mainee)

Versus

Lt. Governor: thro

1. Chief Secretary,
Government of NCT of Delhi,
Delhi Sectt
ITO Delhi.
2. Director of Education,
Old Secretariat,
Delhi-54.
3. Shri Manjit Rai,
Inquiry Officer,
DSNICS (JAG-II) Retd.,
Office of the Addl. Secretary (Vig.),
Dte of Vigilance,
6th Level, C-Wing, Delhi Sectt.
I.P. Estate, New Delhi.

...Respondents

(By Advocate : Shri N.K. Singh for Ms. Avnish Ahlawat)

ORDER (ORAL)

Mr. V. Ajay Kumar, Member (J) :-

Heard both sides.

2. The applicant, a retired Principal/Head of the School under the respondents filed the OA questioning the Annexure-A/1 Charge Memorandum dated 30.08.2010 on various grounds. The main ground of attack by the applicant's counsel is delay in completion of disciplinary proceedings. The charges levelled in the charge sheet are pertaining to the year 2008 and whereas the charge memorandum was issued after a lapse of two years and that the applicant retired from service on attaining the age of superannuation on 31.05.2017. It is submitted that though more than about seven years have elapsed from the date of issuance of the charge sheet, the respondents have not completed the disciplinary proceedings and thereby depriving the applicant from his legitimate right of retiral benefits etc.
3. On the other hand, learned counsel for respondents submits that the delay in completion of the disciplinary proceedings is due to the non cooperation of the applicant only.
4. In the circumstances, we are of the considered view that the OA deserves to be disposed of by directing the respondents to complete the disciplinary proceedings pending against the applicant within a fixed time frame and to pass final orders. Accordingly, the

OA is disposed of by directing the respondents to complete the disciplinary proceedings initiated against the applicant vide the impugned Annexure-A/1 charge memorandum dated 30.08.2010, within 90 days from the date of receipt of a certified copy of this order. It is needless to mention that the Inquiry Officer may conduct the inquiry on day to day basis, if necessary, and that the applicant shall cooperate for the early completion of the inquiry proceedings within the said time. If the disciplinary authority failed to pass the final orders within the said time inspite of the co-operation of the applicant, the disciplinary proceedings initiated against the applicant are deemed to have been abated and the respondents shall release all the retirement benefits to the applicant.

5. Pending MA stands disposed of.

(Nita Chowdhury)
Member (A)

‘rk’

(V. Ajay Kumar)
Member (J)