

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

OA No. 4361/2013

This the 6th day of January, 2016

Hon'ble Mr. Justice B.P. Katakay, Member (J)
Hon'ble Mr. K.N. Shrivastava, Member (A)

Dr. A.M. Rathore
W/o P.K. Rathore,
R/o DGIII/2017 Vikaspuri,
New Delhi-110018

..... Applicant

(By Advocate: Applicant in person)

VERSUS

1. Union of India, Through Secretary,
Ministry of Health & Family Welfare
Nirman Bhawan, New Delhi-110011.
2. GNCTD, Through Chief Secretary,
I.P. Sachivalya, New Delhi-110002.
3. Dean Maulana Azad Medical College,
B.S. Jafar Marg, New Delhi-110002.
4. Union Public Service Commission,
Through Secretary,
Shahjahan Road, New Delhi-110003.
At Old Secretariat, Delhi-54.

.... Respondents

ORDER (ORAL)

By Shri B.P. Katakey, Member (J):

Heard Dr. A.M. Rathore, applicant in person and Mr. Vijay Pandita, learned counsel for the respondents.

2. The applicant though filed this Original Application claiming a number of reliefs, this Tribunal vide order dated 17.12.2013, after hearing the applicant in person and having regard to her submission that she only presses for the relief in para 8(i) relating to the quashing of the Charge Memo dated 28.06.2013, received on 06.07.2013, and subsequent enquiry proceeding dated 12.08.2013, issued by the respondent No. 1, had issued notice taking cognizance of the matter in respect of the prayer in para 8(i) of the OA only.

3. It is not under dispute that the disciplinary proceeding initiated against the applicant vide Charge Memo dated 28.06.2013, received on 06.07.2013, has ended in favour of the applicant as the Enquiry Officer has submitted his report to the effect that the charges levelled against the applicant have not been proved. The disciplinary proceedings has also accepted report of the enquiry officer by exonerating the applicant from the charges levelled vide Charge Memo dated 28.06.2013, which has been communicated to the applicant vide communication dated 01.04.2015 issued by the Under Secretary, Govt. of India, Ministry of Health and Family Welfare (CHS Division).

4. The applicant in person has submitted that after receipt of the aforesaid communication dated 01.04.2015, she filed a representation to the Ministry of Health and Family Welfare (through proper channel) seeking final order exonerating her from the charges levelled against her vide the aforesaid Charge Memo. It has also been submitted that because of non issuance of such final order, vigilance clearance has not been issued by the authority.

5. Mr. Vijay Pandita, learned counsel for the respondents submitted that it is clear from the aforesaid communication dated 01.04.2015 that the competent authority has accepted the final report submitted by the enquiry officer exonerating the applicant from the charges levelled vide Charge Memo dated 28.06.2013, received on 06.07.2013, and hence no such proceeding is pending against the applicant.

6. Having regard to the fact that the enquiry proceeding initiated against the applicant vide Charge Memo dated 28.06.2013, received on 06.07.2013, has ended in favour of the applicant as the competent authority has accepted the enquiry report exonerating the applicant from the charges levelled against her, there cannot be any impediment for issuance of the vigilance clearance in relation to the Charge Memo dated 28.06.2013, received on 06.07.2013.

7. In view of above, the OA is closed and disposed of, directing the respondent authority to issue vigilance clearance relating to the proceeding initiated vide the aforesaid Charge Memo, which has ended in favour of the applicant. The aforesaid communications dated 28.04.2015 and 01.04.2015 are kept on record.

(K.N. Shrivastava)
Member (A)

(Justice B.P. Katakey)
Member (J)

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