

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.4405/2017

Wednesday, this the 13th day of December 2017

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

1. Sh. Mahavir Singh Dahiya
1102, Trimurti CGHS (GH), Sector – 39
Gurugram – 122003
Haryana

..Applicant

(Mr. Mukesh Chander, Advocate)

Versus

1. Union of India through
Secretary, Ministry of Labour
Shram Shakti Bhawan,
New Delhi – 110 001
& others
2. Director General
ESI Corporation, CIG Marg
New Delhi – 110 002
3. Chief Vigilance Commissioner
Starkta Bhawan, GPO Complex
GPO Complex, Block –A, INA
New Delhi – 110 023
4. Secretary
UPSC, Dholpur House
Shahjahan Road, New Delhi

..Respondents

(Mr. Sameer Sharma, Advocate for Mr. Rishabh, Advocate for
Respondent Nos. 1 & 3,
Mr. R V Sinha, Advocate for respondent No.4)

O R D E R (ORAL)

Justice Permod Kohli:

The applicant was working with the Employees' State Insurance Corporation (ESIC) as Director. He was issued show cause notice on 12.03.2014 (Annexure A-1) seeking his response in regard to certain

allegations of dereliction of duty. The applicant submitted his reply to the said notice on 25.03.2014 (Annexure A-2). He was to retire on 30.04.2014. However, on the date of his retirement, the applicant was served with memorandum of charge dated 30.04.2014 (Annexure A-3) asking him to file his response. The applicant submitted his representation to the memorandum of charge on 03.05.2014 (Annexure A-4). The respondents thereafter appointed the inquiry officer, who completed the inquiry by submitting his report on 08.04.2015 to the disciplinary authority. The disciplinary authority, it is alleged, has accepted the report in July 2015 and served the inquiry report to the applicant for his response. The applicant earlier sent his response through an email on 30.06.2015. However, the disciplinary authority required the signed reply from the applicant vide communication dated 24.09.2015. The applicant sent the signed statement/comments to the disciplinary authority on or about 01.10.2015. Since no order has been passed by the disciplinary authority till date, this O.A. has been filed seeking quashment of disciplinary proceedings initiated against the applicant.

2. From the averments made in the O.A. and hearing the learned counsel for parties, we are of the opinion that the disciplinary proceedings cannot be quashed on this ground, as the inquiry has already been completed and its report served on the applicant, who, in turn, has submitted his response thereto. Therefore, it is in the fitness of the circumstances that the disciplinary authority is directed to complete the disciplinary proceedings by passing a final order within the specified period.

3. In this view of the matter, we dispose of this O.A. at the admission stage with direction to the disciplinary authority to complete the entire disciplinary proceedings and pass final order within a period of three months from the date of receipt of a copy of this order and outcome communicated to the applicant.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

December 13, 2017
/sunil/