

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

OA No.3793/2016

New Delhi this the 23rd day of January, 2018

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

Shri Vivek Dutt, SP, CBI (Under Suspension)
HQ CBI/Head Office, New Delhi
R/o Qtr No. 1, Type V, CBI Academy
Kamla Nehru Nagar, Hapur Road
Ghaziabad, UP, 201002. ..Applicant

(By Advocate: Shri Tanvir Ahmed Ansari)

Vs.

1. Union of India through the Secretary
Ministry of Personnel, Public Grievances
And Pensions
Department of Personnel & Training
North Block, New Delhi-110001.
2. The Director, Central Bureau of Investigation
5-B, CGO Complex, Lodhi Road
New Delhi-110003.
3. The Secretary, Central Vigilance Commission
Satarkta Bhawan, GPO Complex
Block-A, INA, New Delhi-110023. ...Respondents

(By Advocate: Shri Hanu Bhaskar)

ORDER (ORAL)

Justice Permod Kohli:

The applicant has challenged the memorandum dated 24.06.2015 whereby disciplinary proceedings were initiated against him under Rule 14 of the CCS(CCA) Rule, 1965 for major penalty. At the time of filing of the OA, criminal

proceedings with respect to the similar allegations were pending against the applicant. However, the applicant came to be discharged in the criminal proceedings vide judgment dated 16.12.2017 (Annexure A-9). Whereupon the applicant made a representation dated 27.12.2017 (Annexure A-10) to the DOP&T and CBI seeking discharge from the disciplinary proceedings as well on the basis of the findings arrived at by the trial court. The said representation of the applicant is still pending with the respondents and no decision has been taken thereon.

2. In the above circumstances, we dispose of this OA, at this stage, with a direction to the respondent No.1 to take decision on the aforesaid representation of the applicant in accordance with law within a period of two months from the date of receipt of copy of this order by passing a reasoned and speaking order to be communicated to the applicant. Suffice it to say that the applicant shall have the liberty to seek remedial measure, if aggrieved, in accordance with law.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

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