

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 4169/2012

New Delhi this the 7th day of January, 2016

**Hon'ble Mr. Justice B. P. Katakey, Member (J)
Hon'ble Mr. K. N. Srivastava, Member (A)**

S. K. S. Yadav,
S/o. Sh. S. P. S. Yadav,
R/o. 33/3, Rajpur Road, Delhi.Applicant

(By Advocate : Applicant in person)

Versus

UOI & Ors. Through

1. The Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. The Chief Secretary,
Govt. of NCT of Delhi
New Delhi.
3. The Administrator,
U.T. of Lakshadeep Kavarathi,
Through Liasion Officer,
Lakshadeep House,
Chanakyapuri, New Delhi. ...Respondents

(By Advocate : Mr. R. N. Singh for R-1)

O R D E R (O R A L)

Hon'ble Mr. Justice B. P. Katakey, Member (J)

Heard the applicant in person and Mr. R. N. Singh, the learned counsel for respondent no.1. None appears for other respondents.

2. The applicant has filed this present O.A challenging the charge memo dated 06.12.2007 and also to direct the respondents to promote him to the next promotional post.

3. The applicant in person has submitted that after receipt of the charge memo dated 06.12.2007, though the applicant on 15.01.2008 requested the disciplinary authority to allow him to inspect the original documents listed in the list appended to the charge memo, the same has not been acceded to despite filing two other reminders. It has also been submitted that even though the original documents were not allowed to be inspected, the applicant filed his written statement in defence on 24.01.2008 denying the charges levelled against him. It is also the contention of the applicant that though he appeared before the inquiry officer appointed by the respondent no. 1 to make an inquiry into the charges levelled against him and the inquiry officer time and again directed the disciplinary authority to produce the original documents, the same having not been done, the inquiry officer on 15.03.2015 closed the inquiry. It has also been submitted that no further action has been taken by the disciplinary authority thereafter.

4. The applicant, therefore, prays that a direction may be issued to the respondents to pass final order in the disciplinary

proceedings initiated against him vide charge memo dated 06.12.2007, immediately, as the applicant is going to retire from service on attaining the age of superannuation on 31.01.2017.

5. Mr. R. N. Singh, learned counsel appearing for the respondent no. 1 on the other hand has submitted that the copies of the listed documents which were sought for by the applicant were provided to him vide communication dated 22.11.2010. It has also been submitted that on three occasions in the year 2013 the applicant did not appear in the inquiry proceedings before the inquiry officer despite issuance and receipt of notice.

6. Mr. R. N. Singh, learned counsel appearing for the respondents, however, could not apprise this Tribunal as to whether the disciplinary authority could produce the original of the listed documents before the inquiry officer as well as about the closure of the inquiry proceedings by the inquiry officer as contended by the applicant.

7. The applicant referring to the averments made in the M.A 1369/2014 has submitted that the inquiry officer was appointed only vide order dated 01.08.2013 and the inquiry officer for the first time had issued notice on 18.02.2014 to the applicant and accordingly, he appeared before the inquiry officer. According to the applicant, he never at any point of time failed to appear

before the inquiry officer whenever called for. The applicant, therefore, denies that he refused to appear before the inquiry officer in the year 2013. Referring to the proceedings conducted by the inquiry officer it has also been submitted that the disciplinary authority has failed to produce the original of the listed documents despite the direction issued by the inquiry officer.

8. It is really unfortunate that the applicant has to suffer for last more than 8 years because of the non completion of the disciplinary proceedings initiated vide charge memo dated 06.12.2007. Though the disciplinary authority is required to complete such proceedings at the earliest, the proceeding is pending for last more than 8 (eight) years. If this proceeding is allowed to continue for an indefinite period of time, it will have an adverse affect on the applicant as he will be denied full retiral benefits after attaining the age of superannuation on 31.01.2017 because of non finalisastion of such proceedings. It also appears from the proceedings of the inquiry initiated against the applicant, pursuant to the aforesaid charge memo dated 06.12.2007, which are annexed to M.A No. 1369/2014, that the originals of the listed documents have not been produced before the inquiry officer by the disciplinary authority. This Tribunal vide order dated 05.05.2015 also directed the

respondent no. 1 to keep the original records ready for perusal by the Tribunal as and when required.

9. Having regard to the fact that the disciplinary proceedings was initiated long back on 06.12.2007, which has not ended till date, despite expiry of more than 8 years, we dispose of the O.A directing the disciplinary authority to pass final order on such disciplinary proceedings based on the charge memo dated 06.12.2007 within four months from the date of receipt of a copy of this order. If the closure report has been submitted by the inquiry officer, as contended by the applicant, the decision would be taken by the disciplinary authority on such closure report. If the proceedings had not been closed, the disciplinary authority will comply with the direction of the inquiry officer for production of the original of the listed documents before the inquiry officer. In any case, the said proceedings must culminate in the final order within four months from the date of receipt of a copy of this order. Needless to say that the applicant shall appear before the authority as and when required.

10. Having regard to the long time taken by the disciplinary authority in completion of the proceedings, we also direct that in the event of failure to complete the said proceedings within the

aforesaid specified period of time, the disciplinary proceedings initiated vide the charge memo dated 06.12.2007 shall lapse.

11. The O.A is accordingly disposed of with the above directions.
No costs.

(K. N. Shrivastava)
Member (A)

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

/Mbt/