

**Central Administrative Tribunal
Principal Bench**

OA No.4214/2018

New Delhi, this the 14th day of November, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Shri S.H. Sawarkar, Group 'A'
Aged 57 years
S/o Shri H.M. Sawarkar
Presently working as: Assistant Professor
College of Art, Government of NCT of Delhi
20-22 Tilak Marg, New Delhi-110001.
And resident of House No.S-2, A-31/7
Sector 2, Vaishali, Ghaziabad-201 010.
(Uttar Pradesh). ...Applicant

(By Advocates: Dr. K.S. Chauhan, Shri S.P. Singh, Shri Ravi Prakash and Shri Ajit Kumar Ekka)

Versus

1. The Disciplinary Authority/Hon'ble Lt.
Governor of Delhi
Through its Secretary
Raj Niwas Marg, Delhi-110007.
2. Govt. of NCT of Delhi
Through its Principal Secretary
Department of Training and Technical
Education, Delhi Secretariat
I.P. Estate, New Delhi-110002.
3. Directorate of Vigilance
Through its Director
Govt. of NCT of Delhi
Delhi Secretariat, I.P. Estate
New Delhi-110002. ...Respondents

(By Advocate: Ms. Harvinder Oberoi, Additional Standing counsel)

ORDER (ORAL)**Justice L. Narasimha Reddy:-**

The applicant is working as Assistant Professor in College of Arts, Govt. of NCT of Delhi. On the allegation that he harassed a female student in the college, an FIR No.155/2011, was registered against him alleging offences punishable under Sections 354 and 509, IPC. He was tried by the Mahila Court, Patiala House Courts, New Delhi in case No.168/2012. After full trial, the Court acquitted the applicant through its judgment dated 24.10.2016.

2. The respondents herein initiated disciplinary proceedings against the applicant by issuing a charge memorandum dated 11.07.2017. A Presenting Officer has been appointed through order dated 18.12.2017. The applicant challenged the said proceedings in this OA. He contends that once he has been acquitted in the criminal case, there is absolutely no basis for the respondents to initiate disciplinary proceedings. Other contentions are also urged.

3. We heard Dr. K.S. Chauhan, learned counsel for the applicant and Ms. Harvinder Oberoi, learned

additional standing counsel for the respondents at length at the admission stage itself.

4. It is no doubt true that the applicant was acquitted in the criminal case through judgment dated 24.10.2016 after a full trial. However, that would not preclude the department from initiating the departmental proceedings. The reason is that the parameters and considerations in the criminal proceedings on the one hand and departmental proceedings on the other hand, are substantially different.

5. However, the respondents did not feel the necessity of initiating disciplinary proceedings, when the FIR was registered against the applicant, or the trial was in progress. It was only after the acquittal, that they have issued the memorandum of charge. Though more than one year lapsed hardly there is any progress in the matter. The pendency of the departmental proceedings would certainly be a matter of concern for the applicant, be it in the context of promotions or other service benefits, apart from his reputation in the college. Though no exception can be

taken for initiation of departmental proceedings, it cannot be kept pending indefinitely.

6. We, therefore, dispose of the OA directing that the respondents shall take all possible steps at their end, to conclude the proceedings by 31st March, 2019. If by that time, the proceedings are not disposed of, the disciplinary authority shall examine whether or not to continue with the proceedings further. It is needless to mention that the applicant shall co-operate in the proceedings and shall not cause any obstruction therein.

7. There shall be no order as to costs.

(Pradeep Kumar)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/