

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

O.A No. 3145/2017

New Delhi, this the 13th day of July, 2018

**Hon'ble Mr. Justice Dinesh Gupta, Member (J)
Hon'ble Mr. K. N. Shrivastava, Member (A)**

Dr. D. K. Khare,
S/o. Late Shri. J. P. Khare,
Aged about 59 years,
R/o. OL-1/1301, ELDECO, Sector-93A,
Noida-201 301, U.P.
Working as Scientist-F/Director,
Ministry of New & Renewable Energy,
Block No. 14, CGO Complex,
Lodhi Road, New Delhi – 110 003.Applicant

(By Advocate : Mr. R. V. Sinha with Mr. Amit Sinha)

Versus

1. Union of India,
Ministry of New & Renewable Energy,
Block No. 14, CGO Complex,
Lodhi Road, New Delhi – 110 003.
(Through : The Secretary)
2. Ministry of Personnel, PG and Pensions,
Department of Personnel & Training,
North Block, New Delhi – 110 001.
(Through : The Secretary)
3. Central Vigilance Commission,
Satarkta Bhawan, Block-A, INA,
New Delhi – 110 023.
(Through : The Secretary)Respondents

(By Advocate : Mr. Rajeev Kumar)

O R D E R (O R A L)

Justice Dinesh Gupta, Member (J) :

The applicant was working as Scientist (F) under respondent no. 1. An impugned memorandum of charges (Annexure A/1)

dated 09.11.2012 came to be issued to him, pursuant to which a disciplinary inquiry proceedings were started against him. The applicant has challenged the memorandum of charges in this O.A has claimed the following reliefs :-

“Call for the relevant file(s)/record(s) of the respondents pertaining to the aforesaid impugned disciplinary proceedings and pursue the same;

(b) Declare the Memorandum No. 3/1/2009-Vig. Dated 9th November, 2012 (Annexure A-1 impugned) and Office Memorandum No. 011/ENR/001/2678 dated 03/12/2014 (Annexure A-2 impugned) as illegal, arbitrary and discriminatory and consequently quash the same;

c) Declare that the applicant is entitled to be exonerated of the charges levelled against him vide impugned Memorandum dated 09.11.2012 with all consequential benefits vis-a-vis opening of seal cover in respect of recommendations of Screening Committee for consideration of the application for promotion to the post of Scientist-G/Adviser with effect from 18.2.2016, i.e., when juniors to the applicant have been promoted vide Office Order dated 22.02.2016 with seniority, arrears of pay and allowances, etc, and accordingly direct the respondent no. 1 to pass order in this regard and release the benefits to the applicant in time bound manner;

d) Award cost of this application and proceedings against the Respondents and favour of the applicant.

e) May also pass further order(s) as be deemed just and proper to meet the ends of justice.”

2. Sh. R. V. Sinha, learned counsel for the applicant today placed on record an order dated 24.05.2018 passed by respondent no. 1 whereby, the competent authority has decided to drop the DE proceedings started against the applicant pursuant to the impugned charged memo. In view of this development, relief ‘B’ becomes infructuous. As a consequence of dropping of the DE proceedings by the competent authority,

the applicant is entitled for all the consequential benefits and hence, relief 'C' is granted to the applicant.

3. Accordingly, the O.A stands disposed of. Considering the fact that the applicant has already retired from service, it is directed that the consequential benefits shall be released to him by respondent no. 1 within a period of three months. No order as to costs.

(K. N. Shrivastava)
Member (A)

(Justice Dinesh Gupta)
Member (J)

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