

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA No.1937/2016

New Delhi this the 6<sup>th</sup> day of July, 2018

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

Dr. Prem Saral  
Wd/of Late Shri Ajay Saral, aged 58 years,  
Principal, SKV, New Ashok Nagar, Delhi.  
Resident of 137, Dayanand Vihar (IInd Floor),  
Delhi-92.

-Applicant

(By Advocate: Shri Vipin Chauhdhary)

**Versus**

1. Lt. Governor, Delhi  
Raj Niwas, Delhi
2. Govt. of NCT of Delhi  
Delhi Sachivalaya, IP Estate,  
New Delhi-2  
Through its Chief Secretary
3. Special Secretary (Vigilance)  
Govt. of NCTD, Dte. of Vigilance  
4<sup>th</sup> Level, C-Wing, Delhi Sachivalaya,  
IP Estate, New Delhi-2.

-Respondents

(By Advocate: Shri Vijay Pandita)

**ORDER (Oral)**

**Justice L. Narasimha Reddy:**

Applicant was appointed as a Post Graduate Teacher (History) on 19.09.1989 by the State of Delhi. Thereafter, she held certain administrative positions also. She was issued a Show Cause Notice (SCN) on 01.01.2008 wherein it was alleged that she committed certain irregularities in the matter of purchase of goods and material and instances were mentioned therein. She was required to explain her

position with regard to the allegation, within a week's time. Applicant filed her reply on 25.02.2008. She stated that it would not be possible for her to submit explanation unless the relevant material is supplied to her.

2. It is at a later stage that the respondents issued charge-sheet dated 16.03.2016 (Annexure A-1) wherein four charges were framed and each charge was explained in the form of articles. The same is challenged in this O.A. The principal ground of challenge is that there is an inordinate delay in issuing the charge-sheet. It is stated that the SCN was issued on 01.01.2008 and the charge-sheet with the same allegations was issued on 16.03.2016, and the delay of 08 years was not explained at all. Reliance in this regard is placed upon some judgments of the Hon'ble Supreme Court.

3. In the reply filed by the respondents, it is stated that though the SCN was issued, no explanation with reference to allegations was filed by the applicant and ultimately the matter was referred to Central Vigilance Commission (CVC). It is stated that CVC advised the initiation of major penalty proceedings and accordingly the SCN was issued.

4. Heard Shri Vipin Chaudhary, learned counsel for the applicant and Shri Vijay Pandita, learned counsel for the respondents.

5. It is fairly well-settled that the Courts or Tribunal cannot interfere with the charge-sheet unless there are exceptional circumstances and the disciplinary proceedings, must be permitted to go on. The question as

to whether charges framed against an employee are true or not, can be decided only in the enquiry that would take place. It is only when the charge-sheet is issued by an incompetent authority or where any specific provision of law is violated or flouted in framing charges, that the charge-sheet can be interfered with by the Court/Tribunal. In the instant case, no ground of lack of jurisdiction on the part of the authorities is raised by the applicant. Similarly, no provision of law is cited, which can be said to have been violated or flouted in the course of issuing of the charge-sheet.

6. It is true that valid explanation is needed to explain the delay between the SCN and charge sheet. In fact, the first ground urged in the OA is about this delay. Dealing with the same, the respondents have stated in the counter-affidavit that the delay has occurred on account of reference of the matter to CVC. Reliance is placed upon the judgment of the Hon'ble Supreme Court in **P.V. Mahadevan v. M.D., T.N. Housing Board**, [(2005) 6 SCC 636]. That was a case in which the charge-sheet was quashed on the ground of delay. However, the principle laid down in **State of A.P. v. N. Radhakishan**, [(1998) 4 SCC 154] was specifically mentioned that the basic principle that an officer entrusted with a particular job has to perform his duties honestly, efficiently and in accordance with the rules and if he deviates from his path he must suffer a penalty prescribed was reiterated. It was also observed that the disciplinary proceedings must be allowed to take their course as per relevant rules. Their Lordships held that delay causes prejudice to the charged officer, unless it can be shown that he is to blame for the delay

or when there is proper explanation for the delay in conducting the disciplinary proceedings.

7. In **Ranjit Singh v. State of Haryana & Ors.**, [Civil Appeal No.1491/2006, decided on 30.06.2008], it was observed that if the delay had occurred in the course of investigation by agencies like CVC, it is not fatal. Further, no prejudice can be said to have been suffered by the applicant on account of delay. Further, it is essential that transparency in the public administration must be ensured and in case the applicant is not guilty of the allegation made against her, she can certainly defend herself.

8. We, therefore, dismiss the OA and grant three weeks' time to the applicant to submit explanation of the charge-sheet, if not already filed. It is needless to mention that the respondents shall supply a copy of all the documents, relied upon in the enquiry, to the applicant.

9. There shall be no order as to costs.

**(A.K. Bishnoi)**  
**Member (A)**

**(L. Narasimha Reddy)**  
**Chairman**

cc.