

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

O.A. No.3127/2018

Tuesday, this the 21st day of August, 2018

Hon'ble Mr. K.N. Shrivastava, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

Sudesh Kumar, Aged 45 years
s/o late Shri O P Sangwan
presently UDC in CVD Delhi cantt.
r/o H-398 Gokul Dham Society
Flat No.302, Street No.3
Raj Nagar, Part II, Palam Colony
New Delhi – 110 077

..Applicant

(Mr. Padma Kumar S, Advocate)

Versus

1. Union of India Through the Secretary
Ministry of Defence
South Block, New Delhi – 110 011
2. Director General
Directorate General of Ordnance Service
South Block, New Delhi – 110 011
3. Commandant
Central Vehicle Depot
Delhi Catt. New Delhi – 110 010
4. Commandant
AOC Centre, Secunderabad

..Respondents

(Mr. B L Wanchoo, Advocate)

O R D E R (ORAL)

Mr. K.N. Shrivastava:

The applicant is working as UDC in the Central Vehicle Depot (CVD) of Directorate General of Ordnance Services - respondent department. Vide Annexure A-2 order dated 22.10.2016, he was placed under

suspension. He was issued Annexure A-9 memorandum of charges dated 25.03.2017; pursuant to which inquiry was conducted and the inquiry officer submitted his Annexure A-10 (colly.) report dated 24.04.2018 to the disciplinary authority, who, however, felt that one important witness, namely, Captain Deepanshu Nagar was not examined by the inquiry officer during the course of inquiry. Accordingly, vide impugned Annexure A-13 order dated 18.06.2018, the disciplinary authority directed the inquiry officer to conduct oral inquiry proceedings by recording the statement of Captain Deepanshu Nagar.

2. Mr. Padma Kumar S., learned counsel for applicant submits that the statement of Captain Deepanshu Nagar has since been recorded by the inquiry officer on 16.08.2018, but the inquiry officer has not yet submitted his final report.

3. The grievance of the applicant is that inordinate delay is being caused in completion of inquiry proceedings against him and he continues to remain under suspension. Accordingly, he has approached the Tribunal in the instant O.A. praying for the following reliefs:-

“(a) Quash and set aside the impugned order dated 04.07.2018 (Annexure A-1) and also declare the continuance of the inquiry is contrary to the law laid down by the Hon’ble Supreme Court in Prem Nath Bali’s case.

(b) Direct the respondents to reinstate the Applicant with all consequential benefits.”

4. Heard Mr. Padma Kumar S., learned counsel for applicant. He submitted that the ratio laid down by Hon’ble Apex Court in **Prem Nath Bali v. Registrar, High Court of Delhi & another** (Civil Appeal

No.958 of 2010) decided on 16.12.2015 has not been followed by the respondents, so also the guidelines issued by the Central Vigilance Commission vide its Circular Nos. 8(1)(g)/99(3) dated 03.03.1999 and No.000/VGL/18 dated 23.05.2000 for conclusion of disciplinary proceedings within the reasonable period of time.

5. Issue notice to the respondents. Mr. B L Wanchoo, learned counsel appears and accepts notice on behalf of respondents.

6. Taking into consideration the fact that the inquiry has already been completed by the inquiry officer, it would be appropriate to give a direction to the disciplinary authority to conclude the disciplinary proceedings within a reasonable period of time. Mr. Padma Kumar S., learned counsel fairly submits that the applicant would also be satisfied, at this stage, if such a direction is issued.

7. In view of the above, without into going into the merits of the matter, we dispose of this O.A., at the admission stage, with direction to the disciplinary authority to conclude the disciplinary proceedings within a period of three months from the date of receipt of a copy of this order. Needless to mention that the applicant shall have liberty to take recourse to appropriate remedy, as available to him under law, in case he remains dissatisfied with the order to be passed by the appellate authority.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)

August 21, 2018
/sunil/