

**Central Administrative Tribunal
Principal Bench**

O.A. No.3274/2018

New Delhi, this the 31st day of August, 2018

Hon'ble Mr. K.N. Shrivastava, Member (A)
Hon'ble Mr. Ashish Kalia, Member (J)

Madan Pal Singh, aged about 61 years
Senior Technical Officer E-1 (Retired), Group B
Son of Shri Rati Ram Singh
Resident of 66/3, Ambedkar Vihar
Sector 37, Noida – 201301 (Gautambudh Nagar)

..Applicant

(By Advocate : Mr. G P Srivastava)

Versus

1. Director General
Council for Scientific & Industrial Research
Headquarter, Anusandhan Bhawan
2, Rafi Marg, New Delhi – 110 001

3. Director
Central Road Research Institute
Mathura road,
PO CRRI, New Delhi – 110 025

..Respondents

O R D E R (ORAL)

Mr. K.N. Shrivastava, Member (A) :

The applicant is working as Senior Technical Officer at Central Road Research Institute (CRRI). He was issued Annexure-A/2 charge memo on 03.08.2016, which was

accompanied with a statement of articles of charge leveled against him. Article of charge reads as under :-

“ARTICLE OF CHARGE I: That Shri Madan Pal Singh presently functioning as Senior Technical Officer (3) in CRRI, committed misconduct in as much as he, vide his letter dated 10/05/2011 and note dated 26/05/2011, submitted a fake BSc degree supposedly issued by Chaudhary Charan Singh University, Meerut whereas he actually did not possess the qualification of B.Sc at all. Thereby the aforesaid Sh Madan Pal Singh secured employment at CSIR – CRRI fraudulently as Senior Laboratory Assistant (SLA) in 1981 and thus the aforesaid Sh Madan Pal Singh failed to maintain absolute integrity and committed an act which is unbecoming of a Council Servant and violated Rule 3 (1) (i) and (iii) of CCS (Conduct) Rules 1964 as made applicable to Council Servants.”

2. Pursuant to the charge memo, an inquiry was held and the inquiry officer submitted his report to the disciplinary authority. The applicant had participated in the inquiry. The disciplinary authority felt that one listed witness, namely, Shri R.S. Bhardwaj, was not examined by the inquiry officer during the course of inquiry. Accordingly, vide impugned Annexure-A/1 order dated 18.07.2018, the disciplinary authority has decided to direct the inquiry officer to conduct further inquiry from the stage of deposition of witnesses.

3. Shri G.P. Srivastava, learned counsel for applicant submitted that the disciplinary authority has not made available a copy of inquiry report to the applicant. He also questioned the decision of disciplinary authority to order further inquiry in the matter for the reasons noted hereinabove.

4. It is a well settled law that the disciplinary authority has powers to order further inquiry, in case it feels that the inquiry has not been conducted properly and some of the witnesses have not been examined.

5. We, therefore, do not find any legal flaw in the Annexure-A/1 order dated 18.07.2018 of the disciplinary authority. We are informed by the learned counsel for applicant that the applicant has retired from service on 30.11.2017, and due to the pendency of the disciplinary proceedings, he has not been given his retirement benefits. Taking this into consideration, we are of the view that the disciplinary proceedings should be concluded in a reasonable time frame and the OA can be disposed of with a direction to the disciplinary authority to complete the disciplinary proceedings within the given time frame.

6. In the conspectus, we dispose of this OA with a direction to the disciplinary authority to conclude the

disciplinary proceedings initiated against the applicant and pass a final order within a period of three months from the date of receipt of a certified copy of this order. No costs.

(Ashish Kalia)
Member (J)

(K.N. Shrivastava)
Member (A)

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