

**Central Administrative Tribunal
Principal Bench**

**OA No.2923/2017
MA No.4646/2017
MA No.938/2019**

New Delhi, this the 1st day of April, 2019

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

Deepak Panghal,
Assistant Professor, Group 'A',
Aged about 35 years,
S/o Sh. Surat Singh Panghal,
R/o 62G, Sec-7, DDA Flat,
Jasola Vihar, New Delhi-110025.

...Applicant

(By Advocate : Shri M.K. Bhardwaj)

Versus

1. National Institute of Fashion Technology,
Through its Director General
Hauz Khas, New Delhi-110016.
2. The Registrar,
NIFT, Head Office,
Hauz Khas, New Delhi.

...Respondents

(By Advocate : Ms. Indira Goswami)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicant is working as Assistant Professor in National Institute of Fashion Technology, Delhi. Memorandum dated 16.05.2016, was issued to him under Rule 16 of the CCS (CCA) Rules, 1965, requiring him to submit the explanation within 10 days. It was mentioned

that the applicant used abusive language in respect of Ms. Rozy Kataria, Junior Assistant, working in the Institution. The applicant submitted his explanation on 27.05.2016, denying the allegation. The disciplinary authority passed an order dated 23.08.2016, proposing to appoint the inquiring authority. This OA is filed with a prayer to quash the charge memo dated 16.05.2016 and the order dated 23.08.2016.

2. The applicant contends that the alleged instance took place in the year 2011 and the charge memo itself was issued nearly five years thereafter. It is also stated that the very basis for the charge was on account of a statement, recorded from another lecturer Ms. Upinder Kaur and that the same does not support the charge. Other grounds are also submitted.

3. The respondents filed counter affidavit opposing the OA. It is stated that the delay occurred on account of the time taken in verification of various facts and that the applicant cannot be said to have suffered for that.

4. We heard Shri M.K. Bhardwaj, learned counsel for applicant and Ms. Indira Goswami, learned counsel for respondents.

5. It is rather surprising that the respondents have taken nearly five years to issue charge memo, though the allegation is not the one which needed a detailed investigation. The only article of charge reads as under :-

“Article of Charge I

Sh. Deepak Panghal, Assistant Professor, NIFT Delhi Campus and the then SDAC, NIFT DC had used abusive language for Ms. Rosy Kataria, Junior Assistant, NIFT Delhi Campus on her refusal to sign the false created quotation documents.

Whereas, by the above conduct Sh. Deepak Panghal acted in a discourteous manner and exhibited a conduct unbecoming of a NIFT employee. Thus, he violated Rule 3(1) (iii) and 3(A) (a) of the CCS (Conduct) Rule 1964.”

6. The matters of this nature are required to be disposed of or settled in a matter of few days. It is not as if investigation by any special agency was involved or recording from various witnesses was necessary. It should not be forgotten that the initiation of disciplinary proceedings against any Government official would certainly come in the way of his promotion, apart from causing mental agony.

7. Added to that, when the very initiation of the proceedings was under Rule 16, it is just un-understandable as to what was the necessity to appoint an inquiry officer. The order passed in this behalf cannot be sustained in law.

8. The further proceedings in the matter could not take place on account of interim relief passed by this Tribunal. We are of the view that the proceedings initiated can be given a quietus, by requiring the disciplinary authority to pass orders.

9. We, therefore, partly allow the OA in part, setting aside the order dated 23.08.2016, appointing the inquiry officer and directing the disciplinary authority to pass orders within four weeks from today. We make it clear that any delay in this regard would be a reflection on the part of the disciplinary authority and we would not hesitate to make necessary remarks in this behalf, if the order is not complied with.

Pending MAs, if any, also stand disposed.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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