

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

**CP No. 157/2019
In
OA No. 4285/2018**

This the 5th day of August, 2019

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

Dr. Hari Prasad,
S/o Late Sh. Prem Singh,
Retired from the post of Joint Director (Chemistry)
From Directorate of Plant Protection, Quarantine &
Storage,
Ministry of Agriculture,
R/o H. No. 1849, Sector 28,
Faridabad (Har). ...Petitioner

(By Advocate : Mr. Yogesh Sharma)

VERSUS

Sh. Sanjay Agarwal
Secretary,
Department of Agriculture & Cooperation
Ministry of Agriculture, Govt. of India,
Krishi Bhawan, New Delhi. ...Respondent

(By Advocate : Mr. H. K. Gangwani)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman:

The applicant filed OA No. 4285/2018, feeling aggrieved by the continuation of disciplinary proceedings against him, particularly, in the context of acquittal in the criminal case. The OA was disposed of on 20.11.2018

directing that it shall be open to the applicant to file the representation by raising various pleas and the disciplinary authority, in turn, shall decide :

- (i) whether there exists any independent material to proceed against the applicant other than the one which was used in the criminal case,
- (ii) whether the necessity of proceeding with the charge memo existed even after he was acquitted in the criminal case and even after retirement from the service.

2. This Contempt Petition is filed alleging that the respondents did not comply with the orders passed in the O.A.

3. Learned counsel for respondents has filed compliance affidavit, enclosing a copy of order dated 29.07.2019. It is stated that on the representation submitted by the applicant, respondents have taken this view that it is proposed to continue the inquiry.

4. We heard Mr. Yogesh Sharma, learned counsel for applicant and Mr. H. K. Gangwani, learned counsel for respondents.

5. It is pleaded that the view taken by the respondents on the directions issued by the Tribunal is either

inconsistent or self contradictory. However, even if that is true, the course of action taken is to file O.A challenging the said order.

6. We, therefore, close the C.P, leaving it open to the applicant to pursue the remedies vis-a-vis order dated 29.07.2019. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/