

**Central Administrative Tribunal
Principal Bench**

**CP No.196/2019
in OA No.1645/2017**

New Delhi, this the 23rd day of September, 2019

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

Dr. M.R. Diwan, IFS(Retd.) Adv.
S/o late Sh. D.R. Diwan
R/o 7010, Orchid Tower
Paramount Symphony, Crossing Republic
Ghaziabad, UP-201016. ...Applicant

(By: Applicant in person)

Vs.

1. Shri C.K. Mishra through
The Secy Ministry of Environment & Forests
19, Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road
New Delhi-110003.
2. Shri S. DASS through
The Spl. Secy/DGF, Ministry of
Environment & Forests, 19
Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road, New Delhi-110003.
3. Shri Tarun Coomar through
The Secy/PCCF, Department of Environment
& Forests, Van Sadan, Haddo
Port Blair, Andaman & Nicobar
Islands-744102(to be served through)
Resident Commissioner posted at
Andaman & Nicobar Bhawan
12-Chanakya Puri
New Dehi-110003. ... Respondents

(By Advocates: Shri Hanu Bhaskar, Shri Arun
Bhardwaj, Shri Piyush Gaur and Shri R.K. Sharma)

ORDER (ORAL)**Justice L. Narasimha Reddy:-**

This contempt case is filed alleging that the respondents did not implement the common Order passed in OA No.1645/2017, CP No.36/2018 and CP No.765/2017. The facts in brief, are as under.

2. The applicant, who was an IFS officer of AGMUT Cadre was issued a charge memo, with as many as 11 articles of charge. The disciplinary proceedings culminated in order of dismissal dated 03.07.2001. He filed OA No.181/2002 before this Tribunal challenging the order of dismissal dated 03.07.2001. The OA was allowed on the ground that the inquiry was held *ex parte* and the matter was remanded for inquiry, afresh. After conducting the inquiry, the Inquiry Officer submitted a report, holding that eight charges are fully proved and three charges are partly proved. The applicant attained the age of superannuation on 30.04.2004. He filed OA No.418/2006 in relation to the disciplinary proceedings. During the pendency of that, the Disciplinary Authority(DA) passed order dated

13.04.2007 withholding the pension as well as the gratuity. In view this, he withdrew OA No.418/2006.

4. Applicant filed OA No.1043/2007 challenging the order of punishment. That was allowed on 13.12.2007 directing the D.A. to provide opportunity to the applicant, to represent against the inquiry report. Such representation was made and after obtaining the advice of UPSC, an Order dated 08.04.2010 was passed imposing the penalty of withholding of pension and gratuity. This time, the order of punishment was challenged in OA No.1826/2012 on the ground that the advice of UPSC was not furnished to him. After receiving copy of the said advice, the applicant submitted his explanation on 02.11.2011. Through an order dated 25.09.2012, the D.A. imposed the punishment of forfeiture of full pension and entire gratuity. That order was challenged in OA No.925/2012 but was withdrawn with liberty to file fresh OA. Accordingly, the applicant filed OA No.3660/2012 challenging the order of penalty as well as charge sheet. Through an order dated 25.09.2012, the Tribunal quashed the order of punishment on the

ground that the punishment was disproportionate and remanded the case. After remand, the D.A. passed an order dated 19.06.2017 imposing penalty of 50% cut in monthly pension on permanent basis and withholding of 50% of the gratuity.

4. We are not referring the various other proceedings such as CPs, OAs and RAs that came to be filed in this behalf. OA No.1645/2017, which was already pending by the order of punishment dated 19.06.2017 was passed, was amended, incorporating the proper reliefs to challenge the said order as well as to declare the entire disciplinary proceedings as null and void. Other reliefs were also claimed.

5. Ultimately, OA No.1645/2017, was allowed on the ground that the disciplinary proceedings against the applicant have not been completed within the time granted by the Tribunal vide Order dated 31.10.2013 in OA No.3360/2012 and accordingly the proceedings are deemed to have abated.

6. This contempt case is filed alleging that the respondents did not implement the Order passed by this Tribunal in OA No.1645/2017 dated 05.04.2018.

7. We heard the applicant who argued the case in person and Shri Hanu Bhaskar, Shri Arun Bhardwaj, with Shri R.K. Sharma, learned counsel for the respondents.

8. The disciplinary proceedings initiated against the applicant were the subject matter of 7 OA, and quite a good number of Miscellaneous Applications, Review Applications etc. Ultimately, the proceedings were set aside on the ground that the D.A. failed to adhere to the time stipulated in one of the OA. The Writ Petition as well as SLP filed by the respondents against the Order in the OA were rejected.

9. The applicant was released the provisional pension even while the OA was pending. Added to that, in compliance with the order dated 05.08.2019 passed by us, the respondents released a sum of Rs.1 lakh 50 thousand to the applicant.

10. Today, the respondents have placed before us, a copy of the order dated 20.09.2019 addressed to the Pay and Accounts Officer-II, Port Blair advising them to release 100% gratuity and 100% pension as sanctioned and authorizing for payment, after adjusting Rs.1.5 lakhs, and pending finalization of the issue of regularization of suspension period of unauthorized absence. A copy of the same has already been furnished to the applicant.

11. With this, the respondents have complied with the Order passed by this Tribunal. Since the Order sanctioning the pension was passed just two days ago, the payment of the amount may take some time. The respondents shall expedite the payment, and make it preferably within three months. It shall be open to the applicant to approach the Pay and Accounts Officer at Port Blair.

12. We, therefore, close the CP. There shall be no order as to costs.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/