

**Central Administrative Tribunal
Principal Bench**

OA No.2475/2019

New Delhi, this the 22nd day of August, 2019

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

Dr. Beer Singh
Scientist 'G' (Retired) Group (A)
Age 6 years, S/o Late Sh. Om Prakash
Senior Citizen, DRDO
Ministry of Defence
R/o 231, Kailash Vihar, Near ITO
City Centre, Gwalior-474011(M.P.). ...Applicants

(By Advocate: Shri Suresh Shunderarma)

Vs.

1. Secretary, M/o of Defence
South Block, New Delhi-110011.
2. Chairman, DRDO
DRDO Bhawan, Raja Ji Marg
New Delhi-110011.
3. Director, DRDE, Gwalior
Jhansi Road-474002, M.P.
4. Dr. Seema Sharma
Inquiring Authority
Office of the C.V.O.
Bureau of Indian Standards
9, Bahadur Shah Zafar Marg
New Delhi-110002.
5. Shri Umesh Kumar Tiwary
Director (BR-I), Ministry of Defence
Sena Bhawan, New Delh-110011.
6. The DCDA, Ministry of Defence
C/o ADRDE, In front of MES
Inspection Bunglow

Agra Cantt. U.P.

...Respondents

(By Advocate: Shri Rohit Sehrawat for Shri Rajeev Kumar)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The applicant was working as Scientist 'G' in the Defence Research Development Organisation (DRDO), the respondent No.2 herein. He retired from service on 31.01.2017. He was issued a charge memo dated 22.04.2015, while in service. The proceedings were continued even after his retirement. He went on making representations stating that the proceedings cannot be continued on account of the stipulations contained in Rule 24(a) of the CCS (CCA) Rules, 1964. This OA is filed with a prayer to set aside the charge memo dated 22.04.2015, mainly on the ground that the proceedings were not concluded within the stipulated time. Other grounds are also urged.

2. We heard Shri Suresh Sharma, learned counsel for the applicant and Shri Rohit Sehrawat for Shri Rajeev Kumar, learned counsel for the respondents.

3. The applicant pleaded several grounds, such as that no order was passed by the Disciplinary Authority for continuing the proceedings after retirement, that the inquiry officer did not conclude the proceedings within the time stipulated under Rule 24(a) of the CCS Rules, 1965 and that the entire proceedings have virtually lapsed, on account of their not having been concluded within the stipulated time.

4. The first plea that no order was passed to continue the proceedings after retirement of the applicant, is not acceptable, in view of the specific provision contained under Rule 9(2)(a) of the CCS (Pension) Rules 1972. It reads as under:-

"9(2)(a) The departmental proceedings referred to in sub-rule (1), if instituted while the Government servant was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Government servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service:

Provided that where the departmental proceedings are instituted by an authority subordinate to the President, that authority shall submit a report recording its findings to the President."

5. From this, it is evident that in case the disciplinary proceedings were initiated when an employee was in service, they can be continued after his retirement and the same shall be treated as those, initiated under Rule 9. Though learned counsel for the applicant places reliance upon an Order passed by this Tribunal in OA No.2168/2013, we find that the purport of Rule 9(2)(a) was not taken into account therein.

6. Coming to the second ground urged, it is no doubt true that Rule 24 (a) was amended stipulating the time of six months for the Inquiry Officer to submit a report. However, in the instant case, we are not clear as to the stage of the proceedings or the reasons for delay, if any, in submitting the report of the Inquiry Officer. At any rate, Rule 24(a) does not provide for any consequences in the event of the report not being filed within six months or the extended period of six months. Be that as it may, the proceedings which were initiated way back in the year 2015, cannot be continued indefinitely, particularly when the retirement benefits of the applicant, such as gratuity and commutation are withheld.

7. No other point is pressed or urged.

8. We, therefore, dispose of the OA directing the disciplinary authority to conclude the proceedings within four months from the date of receipt of copy of this order. If the proceedings are not concluded within that period, the responsibility therefor, shall be fixed by the head of the organization. There shall be no order as to costs.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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