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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.665/2003

Wednesday, this the 26th day of March, 2003

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Mr. Govindan S. Tampi, Member (A)

Shri S.Sugunan
son of Late Shri R.K.Srinivasan, aged 51 years
Dy. Armament Supply Officer Grade II
Naval Headquarters
DGAS/West Block No.V
R.K.Puram, New Delhi-66

Residing at D-503 P.V.Hostel, Lodhi Road
New Delhi-3

..Applicant
(Applicant in person)

Versus

1. Union of India through
the Defence Secretary
Ministry of Defence,
South Block, New Delhi-11
2. The Chief of the Naval Staff
Naval Headquarters,
South Block, New Delhi-11

..Respondents

O R D E R (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, VC (J):-

Heard the applicant in person. This is a third round of litigation by the applicant as he had earlier filed OA-185/96 before the Cuttack Bench of the Tribunal which was disposed of on 21.5.1996. Thereafter, he filed OA-1544/2002 in which one of us (Smt. Lakshmi Swaminathan, VC (J)) was also a Member. By the order dated 15.7.2002, the OA was disposed of with the directions to respondents to take appropriate decision in the matter of the pending disciplinary proceedings against the applicant in accordance with law, rules and instructions within the time specified therein. However, it appears that the respondents have filed MA-2441/2002 seeking extension of time which was dismissed as having

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become infructuous vide Tribunal's order dated 28.1.2003.

In that order, the following observations have been made:-

"It is however made clear that on exoneration of the applicant, he would be entitled to all the consequential benefits as per the instructions and rules on the subject."

2. It is seen from Annexure VII (page 33 of the paper book) that the respondents have passed an order dated 7.1.2003, the relevant portion of which reads as follows:-

"I am directed to inform you that after considering your representation dated 13.12.2002 in response to Govt. of India, Ministry of Defence letter No.5/33/97-D (Lab) dated 04.12.2002 and the facts and circumstances of the case, the President is pleased to exonerate you from the charges levelled against you."

3. The main claim of the applicant in the present application is that directions should be given to the respondents to open the sealed cover of DPC meeting held in November, 2001 and grant him the consequential benefits of promotion with retrospective effect or such other order as deemed fit in the circumstances of the case.

4. After the respondents have issued the order dated 7.1.2003 exonerating the applicant from the charges which were pending against him in the aforesaid disciplinary proceedings, which have already been dealt with by the Tribunal in the aforesaid order, we see no reason why the

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respondents ought not to take the further action as required by them under the relevant provisions of law, rules and instructions. If indeed the DPC had been held during the pendency of the disciplinary proceedings against the applicant, instructions have been laid down by the Government of India to deal with such cases, including placing the recommendations of the DPC with regard to the applicant in a sealed cover which has to be opened at the conclusion of the disciplinary proceedings. This has apparently not been done by the respondents after the decision to exonerate him vide order dated 7.1.2003, which has led to the applicant filing the present application.

5. We have also seen the letter issued by the respondents dated 28.3.2002 in reply to applicant's letter dated 25.1.2002. In this letter, the respondents have stated, *inter alia*, that the applicant's name has been considered for promotion to the grade of DASO-I but it has been kept in a sealed cover as there is a disciplinary/vigilance case pending against him. If that was the position, why further action has not been taken by the respondents in accordance with the provisions of the relevant rules and instructions after 7.1.2003 till date is neither satisfactory nor reasonable. In other words, it was incumbent on the respondents to proceed in the matter, after passing the order of exonerating the applicant from the disciplinary proceedings, as provided under law on their own and without driving the applicant again to the Tribunal for directions which they are already well aware of. We hope that such delays in

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consequential
actions shall be avoided in future to obviate unnecessary litigations as in the present case in public interest. As the DPC is stated to have been held in November 2001, it is expected that the respondents shall deal with this matter with due urgency that it requires.

6. In view of what has been stated above, the OA is disposed of with the following directions:-

Respondents shall take further necessary action in accordance with law, rules and instructions taking into account their own order dated 7.1.2003, exonerating the applicant from the charges levelled against him. He shall be entitled to the consequential benefits in accordance with law. This shall be done as expeditiously as possible and in any case within one month from the date of receipt of a copy of this order, with intimation to the applicant.

(Govindan S. Tampi)
Member (A)

/s/

(Mrs. Lakshmi Swaminathan)
Vice Chairman (J)

Lakshmi Swaminathan