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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1255/2003

Tuesday, this the 20th day of May, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri Govindan S. Tampi, Member (A)

P.M. Singh, s/o Shri Vasdev Kapoor
r/o 6299 Scenic Meadow Lane
San Jose CA 95135, USA

..Applicant

(By Advocate: Dr. D.C. Vohra)

Versus

1. Union of India
through the Secretary
Ministry of Power
Shram Shakti Bhawan (SSB)
Rafi Marg, New Delhi-1
2. Central Electricity Authority
through its Chairman
Sewa Bhawan, R.K. Puram, New Delhi-66

..Respondents

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

By virtue of the present application, the applicant (P.M. Singh) seeks, inter alia, the following reliefs:-

"(1) An order direction by this Hon'ble Tribunal quashing/revoking/ setting aside the 12-year old inquiry proceedings held against the applicant who had given a notice for voluntary retirement on 23/8/91 and in the absence of any refusal from the Respondents, stood retired from his Government service since 23/11/91 by operation of law vide proviso to Rule 48A of the CCS (Pension) Rules 1972;

(2) A declaration by this Hon'ble Tribunal that the applicant stood voluntarily retired with effect from 23/11/91 by the operation of law as his three months' notice expired without any response from the Respondents/1 and 2 and that the applicant is entitled to all the pensionary benefits since 23/11/91 with interest, in accordance with law laid in the Pension rules as also in the judicial pronouncements of the Hon'ble Supreme Court in Padmanabhan Nair and R. Kapoor cases (retrospectively reported in AIR 1985 356 and JT 1994 (6) SC 354);"

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2. During the course of submissions, learned counsel for applicant has drawn our attention to the report of the inquiry officer and on the strength of the same, further contends that not only there is an inordinate delay in this regard, no further action, after receipt of the report of the inquiry officer, even has been taken, insofar as the applicant is concerned.

3. At this stage when the rights of the respondents are not likely to be affected, we deem it unnecessary to give a show cause notice while disposing the present application.

4. It is directed that the disciplinary authority, keeping in view the above-said facts, would:

- a) if any final order has been passed, the same be conveyed to the applicant, and
- (b) in case it has not been passed, the same be passed preferably within four months of the receipt of a certified copy of the present order by passing a speaking order and conveyed to the applicant.

5. Subject to aforesaid, OA is disposed of.

(Govindan S. Tampi)
Member (A)

/sunil/


(V.S. Aggarwal)

Chairman