

Central Administrative Tribunal  
Principal Bench, New Delhi

O.A.No.2505/2003

Wednesday, this the 15th day of October, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman

Hon'ble Shri S.A. Singh, Member (A)

Shri T D S Tulsiani  
Executive Engineer (C)  
Central Public Works Deptt.  
s/o Late Sh. S.D. Tulsiani,  
r/o 465, Sector-17, Faridabad  
Haryana.

...Applicant

(By Advocate: Shri Sohan Pal)

Versus

1. Union of India through  
its Secretary,  
Ministry of Urban Development &  
Poverty Alleviation, Nirman Bhawan,  
New Delhi.
2. Director-General of Works,  
Central Public Works Department  
Nirman Bhawan, New Delhi.

..Respondents

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

The applicant on an earlier occasion had filed OA-160/97. On 25.1997, this Tribunal had disposed of the said petition and directed:

"3. Therefore, the only direction this Court can issue in this OA is that in case any action is taken at the instance of the respondents, they shall consider the delay that has occurred between the actual incident and the time when the action is taken. Without passing an appropriate order on the question of delay, they shall not initiate any disciplinary proceedings against the applicant. With these observations, this OA is disposed of without any order as to costs."

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2. Thereafter, the charge-sheet has been served on the applicant for imposing a major penalty dated 3.5.2000. We are informed that an inquiry officer has since been appointed.


3. Learned counsel for applicant contends that there is an inordinate delay in initiation of the departmental proceedings besides certain facts on merits of the matter.

4. At this stage, we are not dwelling nor expressing ourselves on the merits of the assertions of the respondents or the plea of the applicant. When the inquiry officer has been appointed, it would be in the fitness of things that subject to what has been recorded above, the proceedings should be completed at the earliest.

5. Accordingly, when rights of the respondents are not affected, at the initial stage, we dispose of the present petition directing the respondents to ensure that the departmental proceedings are conducted and completed preferably within six months of the receipt of a certified copy of the present order. This would be subject to the condition that the applicant cooperates therein and does not delay the proceedings.

6. With these directions, OA is disposed of.

  
(S. A. Singh)  
Member (A)

  
(V. S. Aggarwal)  
Chairman

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