

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2597/2003

(M)

New Delhi, this the 18th day of November, 2003

Hon'ble Sh. Sarweshwar Jha, Member (A)

Sh. M.P. Sharma
Deputy Superintendent of Police
Central Bureau of Investigation
Special Investigation Cell-1
C-1, Hutmants, Dalhousie Road
New Delhi.

...Applicant

(By Advocate Sh. M.K. Bhardwaj)

V E R S U S

1. Union of India through
Sh. P. Shankar
The Chief Vigilance Commissioner
Satarkta Bhawan, INA, New Delhi.
2. The Secretary
Cabinet Secretariat
North Block, New Delhi.
3. The Secretary
Co-ordination and Public Grievance
Rashtrapati Bhawan, New Delhi.
4. P.C. Sharma
Director, CBI
Block No.3, CGO Complex
New Delhi.

...Respondents

O R D E R (ORAL)

Shri Sarweshwar Jha,

Heard the learned counsel for the applicant.

2. The applicant has approached this Tribunal vide this OA against the respondents for their having not decided his representations made against the enquiry which has been conducted against him in violation of the relevant rules and advice of the CVC in the matter. He has accordingly prayed that the respondents be directed to decide his representations by passing a reasoned and speaking order.

3. At the very outset, the learned counsel for the applicant has invited my attention to the note of the CBI dated 21-10-99 (page 50 of the OA) in which a

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note had been taken of the advice of the CVC for joint enquiry against the applicant as well as two other individual officers. A reference has also been made by him to the advice of the CVC which had been given vide their note of 27-8-99 (page 51 of the OA).

4. However, the respondents appear to have proceeded with in the matter by issuing a separate Memorandum to the applicant vide their communication dated 5-11-99 (page 17-18 of the OA). From the said Memorandum it is observed that while a joint enquiry had been advised by the CVC and a Note to which effect had been recorded by the CBI, the respondents have proceeded in the matter against the applicant separately. While he had submitted a detailed representation in the matter to the Director concerned in the Deptt. of Personnel & Training vide his letter dated 8-12-99 (Annexure A-6) and followed it up with another representation dated 26-6-2003 there has been no response from the respondents in the matter so far and hence this OA.

5. I have considered the matter keeping in view the submissions made by the applicant and also after perusal of the material on record. I am of the considered opinion that it would suffice the purpose if the OA is disposed of at the admission stage itself with directions to the respondents to consider the representations as have already been submitted by the applicant in the matter and which have been pending with them and to dispose them of by issuing a reasoned and speaking order within two months from the date of receipt of a copy of this order. They are further directed not to proceed against the applicant till such time that they have considered and disposed of

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the representations of the applicant in the matter as directed above.

6. Accordingly, this OA stands disposed of in terms of the above directions.



(SARWESHWAR JHA)
MEMBER (A)

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