

Item-19

30.3.2005

MA-476/2005

OA-3017/2003

Present: Sh. Gyan Prakash, counsel for applicant.

Sh. Madhav Paniker, counsel for respondents.

MA-476/2005

Present application is filed by the respondents for granting six months further time to implement the order of the Tribunal dated 13.8.2004 passed in OA-3017/2003. Counsel for applicant had pointed out that the copy of the order passed by the disciplinary authority dated 8.2.2005 (Annexure A-2) to this application would show that the disciplinary authority has directed a de novo enquiry to be held by virtue of Rule 15 (1) of CCS (CCA) Rules, 1965. He has argued that no de novo enquiry can be directed by the disciplinary authority under the said rule and only the matter may be remitted for further enquiry by the Inquiry Officer. We will not enter into this controversy in the present application. Whether the order of the disciplinary authority dated 8.2.2005, which is Annexure A-2, whereby a de novo enquiry has been directed in exercise of power vested in the disciplinary authority by Rule 15 (1) of CCS (CCA) Rules, 1965 is a valid and legal order is a question which may be considered as and when it comes up for adjudication in appropriate proceeding filed as per law. This question cannot be decided and we will not like to decide it in the present proceeding. Therefore, leaving this question open we are inclined to extend the time in the facts and circumstances of the case.

Six months time is granted to the applicant to complete the proceeding.

We clarify again that this order will not in any way be construed to be an

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expression of opinion of this Tribunal on the legality and validity of the order of disciplinary authority order dated 8.2.2005. MA stands disposed of.



(S.K. NAIK)
Member (A)



(M.A. KHAN)
Vice Chairman (J)

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