

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH



C.P.No.97/2004
O.A.No.2151/2003

New Delhi this the 27th day of April, 2004.

Hon'ble Shri V.K. Majotra, Vice Chairman(A)
Hon'ble Shri Shanker Raju, Member (J)

Y.K. Agarwal
Dy. Director General(Retd.)
S/o Late Kishan Lal Agarwal,
R/o II-A/73, Nehru Nagar,
Ghaziabad

... Applicant

(By Advocate: Shri S.C. Saxena)

versus

Shri J. Parsada Rao,
Secretary,
Ministry of Health and Family Welfare
Nirman Bhawan,
New Delhi.

... Respondent

(By Advocate: Shri Madhav Panikar)

Order(Oral)

Hon'ble Shri V.K.Majotra, VC(A)

Heard.

2. Learned counsel of applicant referred to the following contentions which were raised before the Tribunal on behalf of applicant:-

"(a) that the note of disagreement does not have the approval of the disciplinary authority;

(b) despite the expiry of more than one year and applicant even have having superannuated, no order has been passed; and

(c) it is not a tentative opinion formulated but a final opinion expressed against the report of the enquiry officer."

3. OA-2151/2003 disposed of on 8.9.2003 with the following observations/directions:-

"4. At this stage, we are not dwelling into the said controversy because it is premature for this Tribunal to express itself on the same. It is in the fitness of things that when such a matter is taken up at the earliest and the appropriate order passed.

5. At this stage, therefore, we dispose of the present application directing that the disciplinary authority should consider all the relevant facts and circumstances and pass an appropriate order in accordance with law preferably within three months of the receipt of the certified copy of the present order and communicate it to the applicant. We make it clear that nothing said herein is an expression of opinion on the merits of the matter. OA is disposed of."

4. Learned counsel pointed out that respondents in disobedience of directions of this court have not passed any order considering above three points raised on behalf of applicant in the OA and intend passing final orders in the disciplinary enquiry.

5. Learned counsel of the respondents has brought to our attention the extract of notes of the related vigilance file to the effect that the approval of the competent authority had been obtained on disagreement of the disciplinary authority with the findings of the Inquiry Officer on 26.11.2002 and that thereafter the same had been communicated to the applicant and now the opinion of the UPSC and the Minister's approval have also been obtained. He agreed that an order on the three points raised in the OA has yet to be passed for which he sought a period of seven days only. Thereafter as the applicant has retired on superannuation, the President's final orders would be obtained within a period of further three weeks.

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6. In the light of the above explanation respondents are accorded a months' time from receipt of a copy of this order to complete the entire process as above.

7. With the above direction to respondents this CP is disposed of. Notice discharged.

S. Raju

(Shanker Raju)
Member(J)

V.K. Majotra

(V.K. Majotra) 27.4.04
Vice Chairman(A)