



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA No. 1833/2017
MA No. 3149/2019**

New Delhi, this the 09th day of December, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

N. K. Jain,
S/o Shri Nanak Chand Jain,
Finance & Accounts Officer,
Aged about 60 years,
R/o G-3/90, Model Town-III,
Delhi – 110009.

...Applicant

(By Advocate: Mr. D. S. Mahendru with Ms. Naina Kejriwal)

Versus

Union of India & Ors.

1. The Secretary,
M/o Chemical and Fertilisers,
D/o Chemical and Petrochemicals,
Govt. of India,
Shastri Bhawan,
New Delhi – 110003.

2. The Director,
Institute of Pesticide Formulation Technology,
Sector-20, Udyog Vihar,
NH-8, Opposite Ambiance Mall,
Gurgaon 122016.

...Respondents

(By Advocate: Mr. Rajive R. Raj with Ms. Shubhangi Tiwari and Ms. Nidhi Vardhan for Respondent No. 01)

O R D E R (ORAL)**Justice L. Narasimha Reddy, Chairman:-**

The applicant was employed as Finance and Accounts Officer in the Institute of Pesticide and Formulation Technology, a unit of Ministry of Chemical and Fertilisers. A charge memorandum was issued to him on 28.04.2009 with 14 articles of charge. The applicant submitted his explanation on 03.02.2010. The Inquiry Officer (IO) submitted his report on 18.01.2013, and a copy of the same was served upon the applicant on 28.04.2017. He filed this OA with a prayer to quash and set aside the departmental proceedings initiated against him including the charge memorandum and the report of the IO on the grounds of delay. Further prayer is to direct the respondents to grant all the consequential benefits to him.

2. The applicant contends that there was delay in concluding the inquiry itself, and though the inquiry report was submitted on 18.01.2013 and he was furnished a copy of the same on 28.04.2017. He submits that whatever may have been the circumstances that lead to the delay in the inquiry; there was no basis for keeping them



pending for years, till 2017 and that serious prejudice is caused to him.

3. Respondents filed a counter affidavit opposing the OA. It is stated that the allegations against the applicant were serious in nature and out of 14 articles, 11 were held proved and 03 partly proved. It is stated that the delay in the inquiry was on account of many factors including the role of the Reporting Officer. According to them, though the IO submitted his report on 18.01.2013, the Reporting Officer by name, Mr. Inder Jeet Singh has kept with him, the file pertaining to the disciplinary proceedings of the applicant, and more than 100 files, and left with no alternative, the administration has to terminate the service of the employee on 07.04.2015. It is stated that even after the termination of the services, the employee did not handover the file and a Committee had to be constituted. The respondents state that as soon as the file was traced, report was furnished to the applicant and at a time when the final orders were about to be



passed, the applicant filed this OA and obtained an interim order.

4. We heard Mr. D.S. Mahendru with Ms. Naina Kejriwal, learned counsel for the applicant and Mr. Rajive R. Raj with Ms. Shubhangi Tiwari and Ms. Nidhi Vardhan, learned counsel for the respondents.

5. The disciplinary proceedings were initiated against the applicant in 2009 by issuing a charge memorandum. As many as 14 articles of charge were framed against him. They are not extracted in this order, lest it becomes unduly long. The allegations range from unauthorised absence to disobeying of instructions, failure to issue utilisation certificate, withholding payments, refusing to issue acknowledgment even after receipt of certain proceedings and the like. He was also placed under suspension.

6. The applicant submitted his explanation and not satisfied with that, the DA appointed the IO. The report was ultimately submitted on 18.01.2013 holding that out of 14 articles of charge, 11 are proved and 03 are partly proved. In



the normal course the report of the IO is furnished to the employee and on a consideration of the explanation submitted by him, the DA pass a final order. In the instant case, however, the report of the IO was furnished to the applicant only in May, 2017. The reason for such a delay is mentioned in the counter affidavit as under:-

"The delay for supplying the copy of the Enquiry Report was on account of the reporting officer of the applicant who intentionally delayed the process despite repeated advisory and warning. The competent authority taking note of such negligent and irresponsible attitude of the reporting officer of applicant, Sh. Inder Jeet Singh, directed for termination of his service vide office order dated 07.04.2015.

Since, the delay if any is neither intentional nor deliberate for the reason stated as above. The detail of facts is being reproduced herein for kind consideration of this Hon'ble Tribunal:

It is most respectfully submitted that the Inquiry Officer submitted his Inquiry Report on 18-01-2013 to the Disciplinary Authority. As per the Official practice & procedure the Disciplinary Authority immediately forwarded the Inquiry Report to the Shri Inder Jeet Singh, Head (Finance & Administration/Training) who was also the reporting officer of the applicant, for taking appropriate action and report to the Disciplinary Authority. However, Shri Inder Jeet Singh, Head (Finance & Administration/Training), instead of taking action immediately slept over the Inquiry Report. In this regard, many times instructions were passed on to Shri Inder Jeet Singh, Head (Finance & Administration/Training) for taking appropriate action as required by the Disciplinary Authority but all goes vain.

Since, there was a clear violation of practice and procedure in Disciplinary Proceedings as stipulated, the Disciplinary Authority realized



the same and issued an Office Order of warning to Shri Inder Jeet Singh, Head (Finance & Administration/Training) for taking/proposing action as required in the matter by the Disciplinary Authority dated 04.03.2015 As Shri Inder Jeet Singh, Head (Finance & Administration/Training) had failed to obey the instructions which constitute negligent in his official duties being an officer, the Competent Authority issued an order of termination from Services vide office order dated 07.04.2015.

Copy of office order dated 04.03.2015 is annexed herewith as ANNEXURE-R.7.

& Copy of termination letter dated 07.04.2015 issued to Sh. Inder Jeet Singh, Head (F/A/T) is annexed herewith as ANNEXURE-R.8.”

7. It is also stated in the counter affidavit that not only the said employee failed to handover the file but when attempts were made to trace the file he initiated counter proceedings by alleging theft of his belongings. A list of the files which Mr. Inder Jeet Singh kept outside the reach of the office is filed. It contains more than 150 files including the one pertaining to the disciplinary proceeding of the applicant.

8. When this is the state of affairs, it cannot be said that there was undue delay on the part of the respondents. The delay was on account of the gross negligence on the part of Reporting Officer of the applicant. Though it is advisable that the proceedings are concluded against an employee as



early as possible, the delay in this case cannot be said to be intentional.

9. Much before the applicant herein reached the age of superannuation, he was communicated the report. No sooner than it was served upon him, did he file the OA and an interim order was passed by this Tribunal, prohibiting the respondents from concluding the proceedings. The respondents filed counter affidavit without any loss of time and sought permission to conclude the proceedings, before the applicant reaches `` age of superannuation. For one reason or other, the OA was pending till now. Respondents can now be permitted to conclude the disciplinary proceedings.

10. We, therefore, dismiss the OA and direct the respondents to pass a final order within four weeks from the date of receipt of certified copy of this order. Depending upon the outcome of the disciplinary proceedings, the order for extending the retirement benefit of the applicant shall be passed. There shall be no order as to costs.

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman

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