
(2020) 10 CAT CK 0114

In the Central Administrative Tribunal

Case No : Original Application No. 4166 Of 2016

Chandra Has

APPELLANT

Vs

Ministry Of Home Affairs & Others

RESPONDENT

Date of Decision : 20-10-2020

Acts Referred:

Citation : (2020) 10 CAT CK 0114

Hon'ble Judges : A.K. Bishnoi, Member (A), R.N. Singh, Member (J)

Bench : Division Bench

Advocate : Ajesh Luthra, Hanu Bhaskar, Rashmi Chopra

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

1. The present OA has been filed by the applicant praying therein for the following reliefs:-

â??a. Quash and set aside the impugned order placed at Annexure A/1 and A/2 alongwith the decision of the respondents to hold a de-nova enquiry

as reflected in the impugned orders (both dated 17.10.2016)

b. Direct the respondents to culminate the proceedings initiated against the applicant vide chargememo dated 29.05.2009, in a time bound manner and

c. Direct the respondents to release the withheld retiral/pensionary benefits of the applicant forthwith.

d. Accord all consequential benefits.

e. Award costs of the proceedings; and

f. Pass any order/relief/direction(s) as this Honâ??ble Tribunal may deem fit and proper in the interests of justice in favour of the applicant.â??

2. At the outset, learned counsel for the applicant submits that during the pendency of the OA, the respondents have taken a decision to withdraw

their Order for holding a de-novo enquiry against the applicant. Accordingly, he submits that the prayer made at para 8 a. in the OA becomes

infructuous. However, he further adds that the applicant has retired way back in the year 2009 and since then the disciplinary proceedings initiated

against the applicant vide charge memo dated 29.05.2009 is pending resulting into withholding of various retiral/pensionary benefits to him. He submits

that in the facts and circumstances, the OA may be disposed of with direction to the respondents to conclude the proceedings and to take the same to

the final conclusion in a time bound manner with consequential benefits.

3. Mr. Hanu Bhaskar, learned counsel appearing for UOI does not dispute the facts that respondents have taken a decision to withdraw their order of

holding de novo enquiry made against the applicant.

4. In view of the aforesaid, prayer of the applicant at para 8a. in the OA has become infructuous.

5. Mr. Bhaskar, learned counsel for UOI â?"respondent no.1, submits that to take the disciplinary proceedings to a final conclusion, the respondents

may require deliberation with the UPSC and generally the UPSC takes two to three monthsâ?? time to tender their opinion in such matter. He

further submits that in the facts and circumstances, the respondents may be accorded six monthsâ?? time to take the disciplinary proceedings to its

logical conclusion.

6. Ms. Rashmi Chopra, learned counsel for respondents nos.2 to 4 submits that respondents being represented through her are only proforma parties.

7. In view of the facts and circumstances, the present OA is disposed of with direction to the respondents to complete the proceedings initiated against

the applicant vide charge Memo dated 29.05.2009 to pass an appropriate orders as expeditiously as possible and in any case within four months of

receipt of a copy of this Order. It is further ordered that if on passing of such order, the applicant founds entitled for release of withheld

retiral/pensionary benefits, the respondents shall release the same positively within six weeks thereafter.

8. The OA is disposed of in the aforesaid terms. In the facts and circumstances, no order as to costs.