

(2018) 09 CAT CK 0027

In the Central Administrative Tribunal

Case No : Original Application No. 3577 Of 2018

Indira Rani

APPELLANT

Vs

Chief Secretary And Ors

RESPONDENT

Date of Decision : 27-09-2018

Acts Referred:

Central Civil Services (Classification, Control And Appeal) Rules, 1965 — Rule 14(14)

Citation : (2018) 09 CAT CK 0027

Hon'ble Judges : V. Ajay Kumar, J;A.K. Bishnoi, Member (A)

Bench : Division Bench

Advocate : Meenu Mainee

Final Decision : Dismissed

Judgement

V. Ajay Kumar, J

1. OA No.1837/2017 filed by the applicant questioning the action of the respondents in not completing the disciplinary proceedings initiated against the applicant for more than about 7 years was disposed of by this Tribunal on 28.11.2017 as under:-

"4. In the circumstances, we are of the considered view that the OA deserves to be disposed of by directing the respondents to complete the disciplinary proceedings pending against the applicant within a fixed time frame and to pass final orders. Accordingly, the 3 OA No.1837/2017 OA is disposed of by directing the respondents to complete the disciplinary proceedings initiated against the applicant vide the impugned Annexure-A/1 charge memorandum dated 30.08.2010, within 90 days from the date of receipt of a certified copy of this order. It is needless to mention that the Inquiry Officer may conduct the inquiry on day to day basis, if necessary, and that the applicant shall cooperate for the early completion of the inquiry proceedings within the said time. If the disciplinary authority failed to pass the final orders within the said time in spite of the cooperation of the applicant, the disciplinary proceedings initiated against

the applicant are deemed to have been abated and the respondents shall release all the retirement benefits to the applicant.

5. Pending MA stands disposed of".

2. The applicant filed the instant OA, seeking quashing of the orders dated 23.03.2018 and 12.09.2018 of the Inquiry Officer, who is conducting the enquiry, as per the aforesaid orders, obtained by the applicant, from this Tribunal.

3. In compliance of the orders of this Tribunal in the above referred OA filed by the applicant, the respondents are proceeding with the enquiry and the applicant instead of cooperating with the respondents for early completion of the said enquiry proceedings, trying to delay the same by raising various objections. This court shall not interfere with the conduct of the enquiry, unless it is shown that the Inquiry Officer is acting with mala fides or with biased motive. We do not find any such valid reason to interfere with the enquiry proceedings at this stage. The applicant failed to establish any bias or mala fides on the part of the Inquiry Officer and hence, the submission of the applicant with respect to Rule 14(14) of the CCS (CCA) Rules, 1965 is of no help to her.

4. After the enquiry proceedings are completed and the Inquiry Officer submitted his report to the Disciplinary Authority, the applicant can always submit his representation to the Disciplinary Authority not only with regard to the findings of the enquiry, but also violation of the rules, if any, in conducting the enquiry by the Inquiry Officer. Similarly, if the Disciplinary Authority not agreed with the said objections, still the applicant will have another opportunity in the form of appeal against the said order.

5. In the circumstances and for the aforesaid reasons, we do not find any merit in the OA and accordingly the same is dismissed. No costs.