

(2018) 09 CAT CK 0150

In the Central Administrative Tribunal

Case No : Original Application No. 2561 Of 2015, 2267, 2302, 2738 Of 2016, 3301 Of 2018, Miscellaneous Application No. 727, 729, 788, 2298, 2310, 3682 Of 2018

Rajendra Singh

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 12-09-2018

Acts Referred:

Constitution Of India, 1950 — Article 53, 74, 77(3), 123, 142, 154, 163, 166(3), 213, 311(2), 317, 352(1), 356, 360

Citation : (2018) 09 CAT CK 0150

Hon'ble Judges : L. Narasimha Reddy, Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : Hanu Bhaskar, R. K. Sharma

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

All these OAs are filed by the same applicant, and they are directed against various disciplinary proceedings initiated against him. Several points urged by him are common to all the cases. Hence, they are disposed of through this common order.

2. The applicant was appointed as a Public Prosecutor in Central Bureau of Investigation (CBI), and he worked at various stations. On several occasions, disciplinary proceedings were initiated against him in relation to his acts and omissions in conducting the cases, and discharging the duties as Public Prosecutor.

3. A charge memorandum dated 13.05.2011 was issued to the applicant, framing three articles of charge. It was as regards his functioning as Public Prosecutor in a CBI Court at New Delhi. He is said to have - a) used unparliamentary language against officials of the head office; b) failed to draft a charge-sheet marked to

him for vetting; and c) failed to vet the draft appeal which was proposed to be filed in the appellate court. Statement of imputation was also supplied. The applicant denied the charges, and accordingly an inquiry officer was appointed. The inquiry officer submitted his report on 12.08.2014, holding that charges 1 and 2 are partly proved, and charge 3 as not proved. Copy of the report was supplied to the applicant, and after taking into account, the explanation submitted by him, the disciplinary authority passed order dated 04.06.2015 imposing the punishment of withholding of increments of pay for a period of five years without cumulative effect. The said order is challenged in OA No.2561/2015.

4. The applicant was issued a charge-sheet dated 08.07.2015. He filed OA No.2738/2016 challenging the very charge-sheet, mainly on the ground that it was issued with inordinate delay, as regards the acts and omissions relating to the years 2002-2003, and that the proceedings were also not completed within the stipulated time.

5. The applicant has been issued another charge memorandum dated 30.07.2009 in relation to his working as Public Prosecutor in a CBI Court at Delhi. It was alleged that on 13.02.2009 the applicant was entrusted with the work of examining seven witnesses present in different cases, advancing of arguments on the point of charge, and certain other steps, but he informed the court in writing stating that he is not willing to conduct the prosecution of the cases since he was not an independent Public Prosecutor, and is functioning under the administrative control of police officials, and thereby he would not be able to conduct the prosecution impartially. The witnesses who attended the court were said to have been sent back, without any deposition.

6. The applicant submitted his reply to the charge memorandum, and not satisfied with that, the department conducted an inquiry. The report in the inquiry was submitted on 28.07.2014 holding that the charge against the applicant is proved. On consideration of the representation submitted by the applicant, the disciplinary authority passed an order dated 11.03.2016 imposing the penalty of reduction of pay by two stages for a period of two years in the time scale of pay. This order of punishment is challenged in OA No.2267/2016.

7. Another round of disciplinary proceedings was initiated against the applicant by issuing charge memorandum dated 24.08.2005 alleging acts of indiscipline. The applicant filed OA No.675/2013 challenging the very charge-sheet. That OA was disposed of on 01.05.2014 directing that the proceedings in relation thereto shall be concluded as early as possible, but not later than six weeks. It was also mentioned that in the event of the disciplinary proceedings not being disposed of within that period, they shall abate. Ultimately, an order of punishment was passed on 07.07.2014 imposing the punishment of reduction of pay to the next lower grade for a period of three years.

8. The applicant filed OA No.2423/2014 challenging the order dated 07.07.2014.

The principal contention urged therein was that the entire proceedings abated on account of failure of the department in concluding the proceedings within the time stipulated in the order dated 01.05.2014 passed in OA No.675/2013. OA No.2423/2014 was dismissed on 22.02.2016, rejecting the contention of the applicant. The plea of the applicant that the punishment of reduction to the next below rank could not have been imposed upon him since he was a direct recruit was taken note of, and liberty was given to the respondents to pass a modified order. RA No.58/2016 filed with the prayer to review the order in OA No.2423/2014 was also dismissed on 22.02.2017.

9. The applicant filed WP(C) No.5658/2017 before the High Court of Delhi challenging the order in OA No.2423/2014. The writ petition was dismissed on 10.07.2017. When the writ petition was pending, a revised order of punishment dated 21.09.2015 was passed imposing the penalty of reduction of pay to the minimum of time scale for a period of five years. Challenging the said order, the applicant filed OA No.2302/2016.

10. During the pendency of OA No.2302/2016, the Hon'ble Supreme Court rendered judgment in Dr. Nazrul Islam v Union of India and others, in Civil Appeal No.19881 of 2017, on 28.11.2017, wherein an observation was made to the effect that the proceedings in that case, which commenced in the year 2012, shall be concluded within a period of six months from the date of the order, and in case they are not concluded within that time, they shall be deemed to have been dropped. Placing reliance upon this judgment, the applicant filed OA No.3301/2018, challenging the order dated 21.09.2015, which is also challenged in OA No.2302/2016.

11. The applicant appeared in person and addressed extensive arguments. His principal contention is that all the disciplinary proceedings which are the subject matter of various OAs, are vitiated on account of the fact that there was no valid approval for them by the appointing authority, as required under law, and the process of delegation of powers of approval is totally defective. According to him, the appointing authority for the post held by him is the President of India, and the powers of the President were delegated to the Prime Minister, and though it is not permissible in law to make a further delegation, the powers of approval were exercised by the Minister of State, in-charge in the DoP&T. The applicant further pleaded that the orders of punishment were not supported by reasons and they suffer from the infirmity of being bereft of reasons.

12. In relation to the charge-sheet dated 08.07.2015, he contends that it was issued in connection with the alleged acts and omissions of the years between 2002 and 2004, and being hopelessly delayed, they are impermissible in law. The applicant further submits that the failure on the part of the disciplinary authority to pass orders within the time stipulated by this Tribunal is fatal, and once the proceedings abated, the order of punishment dated 21.09.2015 become non est. The applicant raised certain other contentions also, and placed reliance upon several precedents.

13. Arguments on behalf of the respondents are advanced by Shri Hanu Bhaskar, learned standing counsel for the Union of India. He submits that in quite a good number of cases filed by the applicant on earlier occasions challenging the orders of punishment, the plea of impropriety in delegation of powers by the appointing authority was raised, and the same was repelled by this Tribunal on all the occasions. It is stated that on account of the acts and omissions on the part of the applicant, several cases conducted by CBI have suffered serious setback, and despite number of disciplinary proceedings, the applicant did not change his attitude.

14. It is argued that in respect of the acts and omissions for the period between 2002 and 2014, a charge memorandum was issued in the year 2015 itself, and on account of non-cooperation of the applicant, there was no progress, and ultimately another charge-sheet had to be issued on 08.07.2015. Shri Bhaskar has also refuted the plea that the disciplinary proceedings would abate if they are not concluded within the time stipulated by the Tribunal. An objection is also raised to the effect that though the applicant is a Public Prosecutor of the CBI, and proceedings were conducted against him by the department, he did not implead the CBI, for reasons best known to him.

15. One should in fact pity the CBI for the situation in which it finds itself. It is a specialised organisation, and entrusted with the duties of investigating into cases of highly sensitive nature, and of utmost importance. For that purpose, a dedicated workforce is needed to investigate the cases, and an equally dedicated and committed team of law officers is required to conduct the cases to take them to logical ends. The exhibition of laxity or lack of interest by anyone in the team or weakness in the link in the entire chain is bound to have its own impact on the whole exercise. Though the investigation is conducted by the officials of the department by facing several odds and overcoming many difficulties, the fruits thereof can be realized only if the cases are presented in the concerned court effectively. One cannot under-estimate the might of the persons who figure as accused in the high profile cases investigated by the CBI, and the quality of the legal services at their disposal. It is in this context, that the role of a Public Prosecutor in CBI becomes pivotal. It is through him that CBI presents cases before the court. It is only when a Public Prosecutor of such an organisation is of exceptional quality and unstinted devotion and honesty, that the arduous investigation can be translated into reality and tangible result. Unfortunately, the facts of the present case indicate that substantial energy of CBI is required to be devoted to defend itself from the onslaught of its own Public Prosecutor. The cases mentioned in the preamble of this order are just a few. The applicant had instituted several other cases, and kept the CBI busy in this regard.

16. Coming to the merits of the matter, a common plea raised in all the OAs is that the approval accorded at various stages of the proceedings does not accord with law. Reliance is placed upon the case of the Hon'ble Supreme Court in *B. V. Gopinath & others v Union of India & others* [(2014) 1 SCC 351], and other

judgments on the issue.

17. In respect of the applicant, the President of India happens to be the appointing authority. That power is exercised by the Prime Minister under the scheme of the Constitution. As provided for under the Transaction of Business Rules, powers are delegated and approval is accorded for initiation of disciplinary proceedings, charge-sheet, appointment of inquiry officer and presenting officer, etc. Not only now, but in various cases instituted by him earlier, the applicant raised this plea. For example, in OA No.1130/2010 filed by the applicant challenging the disciplinary proceedings initiated through memoranda of charges dated 30.07.2009 and 25.08.2005, this plea was raised. In its order dated 19.01.2011, this Tribunal held as under:

"6. We also do not agree with the arguments of the Applicant that the power regarding disciplinary action has been delegated by the President to the Prime Minister and the latter cannot further delegate it to Minister of State or to the officers of the Department. It is now well settled that there is no actual delegation of power by the President, but the exercise of the powers of the President by the Minister is in the constitutional scheme of things. The matter had been considered by the Honourable Supreme Court in *Samsher Singh v State of Punjab* and another, (1974) 2 SCC 831 thus:

"30. In all cases in which the President or the Governor exercises his functions conferred on him by or under the Constitution with the aid and advice of his Council of Ministers he does so by making rules for convenient transaction of the business of the Government of India or the Government of State respectively or by allocation among his Ministers of the said business, in accordance with Article 77(3) and 166(3) respectively. Wherever the Constitution requires the satisfaction of the President or the Governor for the exercise of any power or function by the President or the Governor, as the case may be, as for example in Articles 123, 213, 311 (2), proviso (c), 317, 352(1), 356 and 360 the satisfaction required by the Constitution is not the personal satisfaction of the President or of the Governor but is the satisfaction of the President or of the Governor in the constitutional sense under the Cabinet system of Government. The reasons are these. It is the satisfaction of the Council of Ministers on whose aid and advice the President or the Governor generally exercises all his powers and functions. Neither Article 77(3) nor Article 166(3) provides for any delegation of power. Both Articles 77(3) and 166(3) provide that the President under Article 77(3) and the Governor under Article 166(3) shall make rules for the more convenient transactions of the business of the Government and the allocation of business among the Ministers of the said business. The Rules of Business and the allocation among the Ministers of the said business all indicate that the decision of any Minister or officer under the Rules of Business made under these two articles, viz., Article 77(3) in the case of the President and Article 166(3) in the case of the Governor of the State is the decision of the President or the Governor respectively.

31. Further the Rules of Business and allocation of business among the Ministers are relatable to the provisions contained in Article 53 in the case of the President and Article 154 in the case of the Governor, that the executive power shall be exercised by the President or the Governor directly or through the officers subordinate. The provisions contained in Article 74 in the case of the President and Article 163 in the case of the Governor that there shall be a Council of Ministers to aid and advise the President or the Governor, as the case may be, are sources of the Rules of Business. These provisions are for the discharge of the executive powers and functions of the Government in the name of the President or the Governor. Where functions entrusted to a Minister are performed by an official employed in the Minister's department there is in law no delegation because constitutionally the act or decision of the official is that of the Minister. The official is merely the machinery for the discharge of the functions entrusted to a Minister (See Halsbury's Laws of England 4th Ed. Vol. I, paragraph 748 at p. 170 and *Carltona Ltd. v. Works Commissioners*).

32. It is a fundamental principle of English constitutional law that Ministers must accept responsibility for every executive act. In England the sovereign never acts on his own responsibility. The power of the sovereign is conditioned by the practical rule that the Crown must find advisers to bear responsibility for his action. Those advisers must have the confidence of the House of Commons. This rule of English constitutional law is incorporated in our Constitution. The Indian Constitution envisages a Parliamentary and responsible form of Government at the Centre and in the States and not a Presidential form of Government. The powers of the Governor as the constitutional head are not different.

33. This Court has consistently taken the view that the powers of the President and the powers of the Governor are similar to the powers of the Crown under the British Parliamentary system. (See *Ram Jawaya Kapur v. State of Punjab*, *A. Sanjeevi Naidu v. State of Madras*, *U. N. Rao v. Indira Gandhi*). In *Ram Jawaya Kapur's* case (*supra*) Mukherjea, C. J. speaking for the Court stated the legal position as follows. The Executive has the primary responsibility for the formulation of governmental policy and its transmission into law. The condition precedent to the exercise of this responsibility is that the Executive retains the confidence of the legislative branch of the State. The initiation of legislation, the maintenance of order, the promotion of social and economic welfare, the direction of foreign policy, the carrying on of the general administration of the State are all executive functions. The Executive is to act subject to the control of the Legislature. The executive power of the Union is vested in the President. The President is the formal or constitutional head of the executive. The real executive powers are vested in the Ministers of Cabinet. There is a Council of Ministers with the Prime Minister as the head to aid and advise the President in the exercise of his functions." (emphasis added)

It would, therefore, not be correct to assert that the Prime Minister, as Minister-in-charge of the Department, cannot delegate the power to the Minister of State

or the officers of the Department."

The applicant did not challenge this finding recorded by the Tribunal, before the High Court or the Supreme Court. However, he has the tenacity to keep on urging the same ground in every OA filed by him even after that adjudication. He exhibited his indiscipline in the matter of pursuing the proceedings before this Tribunal also, and we take serious exception to the conduct of this nature.

18. Challenge to the charge-sheet dated 08.07.2015 is on the ground that it is in respect of stale items, and is not permissible in law. It is no doubt true that the charge-sheet refers to acts and omissions which occurred between the years 2002 and 2004. The record, however, discloses that an initial memorandum was issued to the applicant on 08.02.2005, and he failed to reply to the same in time. It is also stated that by the time his reply was received, the applicant was transferred to other places, and the record pertaining to Dhanbad had to be routed through the headquarters, to the DoP&T. The applicant is said to have asked for furnishing of documents and other communications, and the delay occurred accordingly. It should not be forgotten that the Prime Minister happens to be the appointing authority, and obtaining of approval in matters of this nature is not that easy. At any rate, the applicant is not able to state as to what prejudice he has suffered on account of the delay, a substantial portion of which is caused by himself.

19. Further, the list of dates and events furnished by the applicant would itself disclose that there is a direct sequence and hardly there is any delay in the matter. The list reads as under:

DATE

EVENTS

28.01.1999

The applicant joined his service in CBI as Public Prosecutor

08.02.2005

The Memo was issued to the applicant to submit his explanation within 15 days

21.02.2005

The applicant, submitted his explanation in respect of Paras 1, 11 and 12 of the memo dated 08.02.2005. He has requested to inspect the relevant files to enable him to submit full explanation in respect to Para 2 to 10 of the Memo dated 08.02.2005.

23.09.2005

The applicant was allowed to go through court diary files, PP's brief files and crime files.

14.12.2005

The applicant was reminded to take necessary action for submission of explanation

26.12.2005

The applicant, submitted representation of the S.P., CBI, ACB, Silchar to go through the relevant records.

07.06.2006

19.06.2006

10.07.2006

The applicant was asked to visit Dhanbad Branch to inspect the relevant records

18.10.2006

The applicant was asked as a last chance to offer his full explanation of the Memo dated 08.02.2005 within 15 days

07.11.2006

The applicant in response to the above letter, wrote a letter to the S.P. CBI, EOU-VI, New Delhi to release all the pending T.A. Bills, of the applicant enabling him to visit Dhanbad to inspect relevant records or in alternative, supply the attested copies of all the documents, sought by him vide letter dated 26.12.2005

30.11.2006

The applicant had visited Dhanbad Branch and out of 45 files, was allowed to inspect the available only 33 files for the purpose of giving his full explanation of the Memo dated 08.02.2005.

30.11.2006

The applicant addressed a letter on the same day to the DIG, CBI RO, Ranchi, requesting him for providing copy of extract of Court Diary, Judgments, Charge-sheets, Final Report-I, Final Report-II, SP's comments, file noting of Crime Files and Court Diary file of 21 cases.

12.04.2007

The DIG, CBI, RO, Ranchi had intimated to the applicant that CBI, Head Office is of the view that applicant may inspect remaining 12 files at ACB Ranchi and ACB Kolkata, if needed. The DIG has not intimated his decision on the point of providing copies of the documents/files, sought vide the letter dated 30.11.2006.

11.06.2007

The applicant in response to the above letter, wrote a letter to the DIG, CBI, ACB RO, Ranchi to provide the copies of documents/files, sought vide letter

dated 30.11.2006.

25.06.2007

The administrative officer (Pers.) CBI, HO New Delhi had intimated to the applicant that if he needs to inspect files at CBI, ACB Ranchi and ACB Kolkata, he will have to bear his own TA/DA expenses and there will be no financial liability of CBI.

27.06.2007

The SP (Admn.) CBI, EO-II, New Delhi had sent the letter dated 11.06.2007 of the applicant to the DIG, CBI, ACB, RO Ranchi for further necessary action.

03.10.2007

The DIG, CBI, RO, RO Ranchi had refused to provide copies of the documents/ files, stating that supply of extracts of the documents/ files will be prejudicial to the case of prosecution.

26.05.2010

The SP, CBI, ACB, Dhanbad, had provided copies of the documents/files requested vide the letter dated 30.11.2006.

03.06.2010

The SP, CBI, ACB, Ranchi had provided copies of relevant documents of RC-8/97-D.

23.06.2010

The SP, CBI, ACB, Kolkata had provided copies of the relevant documents

28.09.2010

Inspector of Police, Patna Zone, Patna has requested-HoZ, MDMA to direct the applicant to submit his explanation.

29.10.2010

The CBI Head Office, New Delhi has requested to the DIG, CBI, New Delhi to direct the applicant to submit his explanation to the Memo dated 08.02.2005 within a period of 15 days positively.

16.11.2010

The applicant in response to the above letter, wrote a letter to the administrative office(Pers.) CBI, H.O. New Delhi.

2010

Respondents No.2 has sent draft article of charges etc. to Respondent No.1 for approval of the Competent Authority for initiation of disciplinary proceedings

26.09.2012

The applicant, wrote a letter to the administrative officer(Pers.), CBI, HO New Delhi as to what cognizance was taken by the CBI on the letter dated 16.11.2010 of the applicant.

07.11.2012

The CBI, HO, New Delhi had intimated to the applicant that his letter dated 16.11.2010 was not considered by the Competent Authority.

07.01.2015

The Hon'ble Prime Minister as Minister-in-Charge of the DoPT had delegated his powers regarding appointment/Promotion to the levels below Joint Secretary or equivalent post to the Hon'ble Minister of State (PMO)

2015

The Hon'ble Minister of State (PMO) has given his approval to initiate disciplinary proceedings.

14.07.2015

The Memorandum of charges dated 08.07.2015 was served on the applicant.

16.07.2015

The applicant has submitted his written statement of defence

02.06.2016

The applicant filed RTI application.

09.06.2016

The RTI application was transferred to the Secretary, DoPT, New Delhi.

11.07.2016

The CPIO, AVD-II(B), DoPT has regretted to provide information, claiming exemption.

The explanation to the charge memorandum has already been filed and the inquiry needs to be concluded. Therefore, we do not find any ground to interfere with the charge-sheet.

20. The way the applicant has challenged the order dated 21.09.2015 astonishes anyone who is associated with the legal profession and adjudicatory process. It has already been mentioned that the charge memorandum dated 24.08.2005 was issued alleging acts of indiscipline, and the applicant filed OA No.675/2013 in relation thereto. The OA was disposed of on 01.05.2014 directing that the disciplinary proceedings shall be concluded as early as possible, but not later than six weeks from the date of receipt of the order. Operative portion thereof

reads as under:

"...We direct that the said disciplinary proceedings be concluded and the order of the disciplinary authority be issued within a period of six weeks from the date of receipt of this order. Let this be done accordingly. There should be no further delay failing which we further direct that the proceedings shall abate after the expiry of the aforementioned the stipulated time for disposal of the proceedings."

Ultimately, an order was passed on 07.07.2014. OA No.2423/2014 was filed challenging the order mainly contending that the proceedings abated on account of the failure to conclude the proceedings within the time stipulated in the order passed in OA No.675/2013. In its order dated 22.02.2016, this Tribunal dealt with the contention as under:

"8. We have perused the judgment in Navin Singh (supra) by Mumbai Bench of this Tribunal and find that the Tribunal had taken a view that where a time limit has been given to complete the disciplinary proceedings, the proceedings will not be automatically dropped, if the same is not completed within the given time limit. Quoting from Supreme Court judgment in State of Punjab and others (supra) the Tribunal took a view that the proceedings can be dropped only if there was an express direction to this effect given by the Court. In the present case, it is indeed the case that this Tribunal in its order dated 01.05.2014 had not only directed the proceedings to be completed within a period of six weeks but also stated that if the disciplinary proceedings are not completed within the given time frame, the proceedings shall abate. However, the facts of the present case are peculiar when compared with the facts of Navin Singh (supra) or State of Punjab and others (supra). In the present case, the respondents did complete the disciplinary proceedings within the given time frame but an error crept in the order imposing penalty on the delinquent. In our view, the time taken to correct that situation will not be a part of the time frame indicated by the Tribunal in its earlier order. The ratio of the above judgments therefore cannot be applied in the present OA."

The applicant filed RA No.58/2016 seeking review of the order of the Tribunal. Through a detailed order dated 22.02.2017, the RA was dismissed. The concluding portion of the order reads as under:

"11. We also observe that the review applicant has crossed all the norms of propriety in drafting this review application so much so that it is contemptuous and the applicant is liable to be proceeded against for contempt of court. It is a matter of grave concern and dismay that an experienced counsel has chosen to transgress the decorum of the court and propriety. However, in the interest of justice we take a lenient view and decide not to proceed further in the matter. We hope that there will not be any repeat of such intemperate language in the pleadings in future."

The matter did not end with that. The applicant filed WP(C) No.5658/2017 before the High Court of Delhi. The writ petition was dismissed through a detailed order

dated 10.07.2017. Dealing with the contention as to the abatement of the proceedings, the Hon'ble High Court observed as under:

"Having heard counsel for the petitioner and perused the record, we do not find any merit in this petition. First and foremost, the directions issued by the tribunal cannot be read as, and did not attain the status of a statute. The kind of direction issued by the tribunal - that is to say that the departmental proceedings shall abate if the proceedings are not finalised within a particular period, in our view, should not be issued. Even if the tribunal, in a given case, feels that the departmental proceedings are unduly delayed and the tribunal makes a direction that the same should be completed in a time bound manner, the directions should be couched in such language as to not vest the delinquent with a right, which even a statute does not vest in him. There are other ways and means for the tribunal to ensure strict compliance of its directions. Such unintended benefit cannot be accorded to a delinquent employee, whose conduct is under examination. The tribunal has itself not viewed its earlier direction issued on 01.05.2014 as peremptory and, in our view, rightly so (emphasis supplied).

The spirit and purport of the order passed by the tribunal in O.A. No. 675/2013 is only that the respondents should act expeditiously and, so far as possible, conclude the disciplinary proceedings within six weeks from the date of receipt of the order. There is substantial compliance of the said direction inasmuch, as, the order imposing penalty was issued on 07.07.2014. The intent of the Disciplinary Authority to conclude the proceedings urgently cannot be doubted, since the order of penalty was passed on 07.07.2014. In our view, that was sufficient compliance and on account of the so-called delay of 11 days in passing the said order, the proceedings against the petitioner could not have been abated. Since the penalty imposed upon the petitioner vide order dated 07.07.2014 is premised on a wrong assumption with regard to his induction in the present posting, the same can obviously be corrected.

When it comes to directions issued by the Supreme Court, entirely different considerations come into play. Article 142 of the Constitution of India expressly provides that the orders passed by the Supreme Court shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament. Reliance placed by Chaman Lal Goyal (supra) is, therefore, misplaced.

Learned counsel for the respondent, who appears on advance notice, states that the corrected order of penalty has already been passed and communicated to the petitioner.

Accordingly, the present petition is dismissed.

It goes without saying that it shall be open to the petitioner to assail the order of penalty passed against him in independent proceedings on its own merits."

SLP(C) No.31268/2017 was dismissed on 24.11.2017.

21. Any person with the semblance of discipline would have stopped at that. However, the applicant has no regard for law and he made not only his employer, CBI, but also the Tribunal and the Courts just to turn around him, irrespective of the nature of the adjudication that has taken place in his cases.

22. The order dated 21.09.2015 is nothing but the one issued with a small correction as to the punishment in the order dated 07.07.2014. Except for that small aspect, it is nothing but reproduction of the order dated 07.07.2014, which was upheld up to the Hon'ble Supreme Court. The applicant not only filed OA No.2302/2016 challenging that order, but also OA No.3301/2018 for that very purpose. The basis for filing the second OA is said to be the observation made by the Hon'ble Supreme Court in Dr. Nazrul Islam's case (supra). Relevant paragraph reads as under:

"8. We further direct the Central Government, UPSC and the State Government to conclude the disciplinary proceedings expeditiously, taking note of the fact that the same commenced in the year 2012, and at any rate, within six months from today. It is made clear that in the unlikely event of such proceedings being not concluded within the said time, the disciplinary proceedings shall be deemed to have been dropped."

It is clear that the direction issued was on the specific facts of that case, and it cannot be construed as an authoritative proposition of law.

23. The applicant has also placed reliance upon several judgments on the aspects discussed above, but none of them fit into the facts of the case. The orders of punishment were passed duly observing the prescribed procedure. The punishment imposed against the applicant cannot be said to be either contrary to law or disproportionate.

24. A citizen has every right to pursue his remedies, but if the proceedings are instituted indiscriminately harassing not only the respondents in the case, but also the Tribunals and Courts, certain measures need to be taken so that the limited time which is at the disposal of the Tribunals and Courts, is spared for adjudication of genuine disputes.

25. A perusal of the charges in various cases, on the one hand, and the nature of pleadings and other material in the OAs, on the other hand, discloses that had the applicant devoted at least a small fraction of the attention which he paid to his cases, to the conducting the cases of CBI, the nation would have stood to considerable benefit. The damage suffered by the CBI on account of the indifference exhibited by the applicant is indeed phenomenal.

26. We dismiss the five OAs mentioned above by imposing costs of Rs.50,000/-. Out of that, Rs.25,000/- shall be deposited to the credit of the Director, CBI, to compensate the cost incurred by CBI in defending the cases, at least in part, and the remaining Rs.25,000/- shall be credited to the Library Fund of the CAT Bar Association, within eight weeks from today. If the applicant fails to deposit the

amount within that time, the Director, CBI shall take appropriate steps to recover the amount from the salary of the applicant at the rate of Rs.10,000/- per month, and make the remittances as indicated above.