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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5383/2017 & C.M. No.22729/2017**

UOI AND ORS

..... Petitioners

Through Mr.Arun Bhardwaj, Adv.

versus

C M CHANDOLIA

..... Respondent

Through Mr.Arvind Shah, Adv. with
Ms.Vidhushi Shubham, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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27.07.2017

1. We have heard learned counsel for the parties and proceed to judgment. The Union of India has assailed the order passed by the Tribunal in MA No.100/3741/2016 in OA No.100/3232/2016 preferred by the respondent. The respondent who was facing a departmental inquiry, approached the Tribunal. On the very first date i.e. 23rd September, 2016, the Tribunal passed an ex parte order directing the Inquiring authority to complete the inquiry proceedings within a period of four months from the date of receipt of certified copy and submit its report to disciplinary authority, who was further directed to pass an order upon receipt of the inquiry report and representation of the Respondent, within two months thereafter.

2. On 23rd December, 2016, the petitioner moved an application being MA No.3741/2016 to seek extension of time to complete the

inquiry. The Tribunal by the impugned order, has rejected the same on the ground that there was no valid ground for grant of extension. However, in the interest of justice, the petitioner has been granted three months' time from the date of the order, to comply with the order of the Tribunal failing which it was directed that the disciplinary proceedings shall stand abated.

3. Learned counsel for the respondent does not support the impugned order. However, he submits that since the respondent is about to retire within a year's time, the inquiry proceedings should be concluded and the decision thereon taken without any delay. This submission is made, without prejudice to the contention of the respondent that there was no justification for holding the inquiry in the first place. It is agreed between the parties that the impugned order be set aside.

4. Without saying more, we may only note that we are also otherwise of the view that the impugned order cannot be sustained. The impugned order is, accordingly, set aside. (The petitioner shall conduct the disciplinary proceedings keeping in view the CCS (CCA) Rules.) The petitioners are agreeable to hold the same on a day to day basis subject to compliance and adjournments as required under the CCS (CCA) Rules. The proceedings shall, accordingly, be held on day to day basis except adjournments for the time contemplated under the aforesaid Rules. The inquiry proceedings shall be concluded by the inquiring authority within a period of four months from today.

4. The respondent is directed to cooperate in the proceedings on each and every date. In case of any delay in finalization of the case

on account of the matter remaining pending in CVC, DGOV & UPSC, the petitioner shall follow up the same with the concerned authority to have the same expedited.

The petition stands disposed of in the above terms.

Dasti.

VIPIN SANGHI, J

REKHA PALLI, J

JULY 27, 2017/aa