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

Date of Decision: 23.10.2019

+ W.P.(C) 11337/2019

RAJ PAL

..... Petitioner

Through : Mr. S.K. Gupta, Advocate.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through : Mr. Arun Bhardwaj, CGSC for
UOI.

CORAM:

HON'BLE MR. JUSTICE G.S. SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

J U D G M E N T

G.S.SISTANI, J. (ORAL)

1. The petitioner is aggrieved by order dated 29.10.2018 passed by the Central Administrative Tribunal ('Tribunal' for short) rejecting a preliminary objection raised by the petitioner with regard to maintainability of inquiry proceedings on the ground that the initiation of inquiry and the charge sheet were not approved by the Disciplinary Authority.

2. Issue notice.

3. Mr. Bhardwaj, learned CGSC for Union of India appears on an advance copy and accepts notice.

4. We have heard learned counsel for the parties.

5. In this case, the learned Tribunal has rejected the contention of the petitioner on two grounds : firstly, on the ground of delay, in relation to which the Tribunal has taken into account that the inquiry was initiated in the year 2012 and this objection has been raised for the first time in the year 2018; secondly, the Tribunal has accepted the submission made by counsel for the respondents that approval for initiating inquiry proceedings against the petitioner was sought by the Disciplinary Authority and that it was granted.

6. On the other hand, the attention of this court is drawn to the reply received on a query made by the petitioner under the Right to Information Act, 2005 in support of his contention that in fact, the initiation of inquiry proceedings was not approved by the Disciplinary Authority.

7. Mr. Bhardwaj, learned CGSC for the respondents submits that a reading of the reply would in fact show that the charge sheet was duly approved. He submits that to the RTI query raised by the petitioner on 25.09.2017, the respondents replied as follows :

“Subject: RTI application dated 25.09.2017 received from Shri Raj Pal, under RTI Act, 2005.

Sir,

Please refer to your RTI application dated 25.09.2017 received through O/o CGA to this Department on the subject cited above and to say that the query wise information sought by you vide RTI application dated 16.10.2017 is as follow:

<i>Sl. No.</i>	<i>Information sought for</i>	<i>Reply thereto</i>
<i>(i)</i>	<i>Name with designation of the highest authority approving the initiation of departmental proceedings which were initiated in terms of charge sheet dated 03.01.2012</i>	<i>Shri C R Sundara Murti, CGA the highest authority approving the initiation of departmental proceedings which were initiated in terms of charge sheet dated 03.01.2012.</i>
<i>(ii)</i>	<i>Name with designation of the highest authority approving the draft charge sheet which culminated into the issuance of charge sheet dated 03.01.2012.</i>	<i>Hon'ble Finance Minister, Shri Pranav Mukherjee the highest authority approving the draft charge sheet which culminated into the issuance of charge sheet dated 03.01.2012.</i>
<i>(iii)</i>	<i>The date when appointment of IO and PO was approved by the competent authority and name with designation of the authority approving the appointment of IO and PO.</i>	<i>Appointment of IO and PO was approved on 16.05.2012 by Hon'ble Finance Minister, Shri Pranav Mukherjee, being disciplinary authority. Subsequently, IO was on deputation; hence,</i>

		<i>appointment of another IO was approved on 12.04.2013 by Hon'ble Finance Minister Shri P Chidambaram being disciplinary authority.</i>
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8. In the above circumstances, we dispose of this matter leaving the objection raised by the petitioner to be raised at the appropriate stage in case an order of punishment is passed.

9. We make it clear that we have not expressed any opinion on the merits of the matter. Having regard to the fact that the petitioner is a retired employee and the inquiry initiated against him has been pending since the year 2012, it would serve the ends of justice if the inquiry is concluded within four months from today. We however make it clear that the petitioner will cooperate with the Inquiry Officer.

10. With these directions, the writ petition is disposed of.

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

OCTOBER 23, 2019

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