

% 30.08.2006

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Present: Mr. S. Rajappa for the petitioner

+WP(C) No.13683/2006 & CM No. 10611/2006 & CM No.10612/2006

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We have heard learned counsel for the petitioner in support of the petition. The Central Administrative Tribunal had rightly concluded that no enquiry in terms of Rule 14 of the Rules, 1965 was held and the petitioner sought to proceed under Rule 19(i) of the CCS (CCA) Rules, 1965 which also was not attracted to the facts of the case. The Disciplinary Authority itself had recognized this and sought to resort to Rule 19 (ii) of the CCS (CCA) Rules, 1965, subsequently without recording reasons thereof.

In these circumstances, and considering the acquittal of the respondent, the penalty of removal from service was quashed. The Central Administrative Tribunal while allowing the OA partly, had also noted that petitioners were not debarred from initiating disciplinary proceedings against the respondents in the manner provided under CCS (CCA) Rules, 1965.

Learned counsel for the petitioner submits that fresh proceedings would not lie under CCS (CCA) Rules, 1965 and would lie under CCS (Pension) Rules as the respondent has since superannuated. He seeks liberty to move the Central Administrative Tribunal for the said modification and directions.

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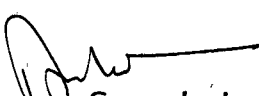
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Liberty granted.

Writ Petition is dismissed as withdrawn.


Manmohan Sarin, J.


Aruna Suresh, J.

August 30, 2006
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