

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7028 OF 2008
(Arising out of SLP©No.11722 of 2007)

Union of India & Anr. ...
Appellants

Versus

H.R.Bangar (IRS) ...
Respondent

ORDER

1. Delay condoned.
2. Leave granted.
3. This appeal is directed against an order dated 6th of March, 2006 passed by a Division Bench of the High Court of Punjab and Haryana at Chandigarh in Civil Writ Petition No.3541 of 2006 by which the Division Bench of the High Court in its impugned order stated –“we see no reason whatsoever to interfere in the well reasoned order of the tribunal.” By the order of the tribunal, the enquiry proceedings which was initiated was closed down on the ground of

inordinate delay in completing the proceeding which was affirmed by the aforesaid impugned order of the High Court. From the order of the tribunal, it is evident that the tribunal had directed the appellants to complete the enquiry proceedings initiated against the respondent within a period of three months from the date of receipt of a copy of that order.

4. We have heard the learned counsel for the parties and examined the orders of the tribunal as well as of the High Court and the materials on record. In our view, the High Court as well as the tribunal was not justified in closing down the enquiry proceedings against the respondent for the simple reason that the proceedings were initiated only in 2001 and the High Court as well as the tribunal failed to appreciate that the charges against the respondent were very serious, i.e. misappropriation and accepting illegal gratification while in office. In ***Deputy***

Registrar, Cooperative Societies, Faizabad vs. Sachindra Nath Pandey & Ors. [1995 (3) SCC 134], this court held that mere elapsing of a long period of 16 years from the date of commencement of the departmental enquiry was not a sufficient ground to close down the proceeding, more so when the department alone was not responsible for the delay. In view of the nature of charges against the respondent which was very serious and following the decision in the case of **Deputy Registrar, Cooperative Societies, Faizabad (supra)**, we are, therefore, of the view that the impugned order should be set aside and direction may be given to the authorities concerned to complete the enquiry proceeding within six months from the date of communication of this order positively. Accordingly, we direct that the authorities concerned shall complete the departmental proceeding initiated against the respondent

within six months from the date of communication of this order after giving an opportunity of hearing to the parties.

5. Accordingly, the impugned orders are set aside and the appeal is allowed to the extent indicated above. There will be no order as to costs.

J.

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[Tarun Chatterjee]

New Delhi;

.....J.

November 17, 2008

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[V.S.Sirpurkar]