

3

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 1544/2002

New Delhi this the 15th day of July, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri S.A.T.Rizvi, Member (A)

Shri S. Sugunan  
Son of Late Shri P.K. Srinivasan,  
Dy. Armament Supply Officer  
Grade II Naval Headquarters  
DGAS/West Block No.V, R.K.Puram,  
New Delhi.  
Resident at D-503, P.V.Hostel,  
Lodhi Road, New Delhi.

..Applicant

(By Advocate Shri S.Sasi Bhushan )

VERSUS

1. Union of India though the  
Defence Secretary, Ministry  
of Defence, South Block,  
New Delhi
2. The Chief of the Naval Staff  
Naval Headquarters., South Block,  
New Delhi-11

..Respondents

(None for the respondents )

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

We have heard Shri S.Sasi Bhushan, learned counsel for the applicant. Although we note that Shri K.R. Sachdeva, learned counsel had appeared on behalf of respondents on 28.6.2002, none has ~~also~~ <sup>been</sup> appeared today. No reply has also been filed on behalf of the respondents, although notices were issued to them to file reply within four weeks on 7.6.2002.

2. Shri S.Sasi Bhushan, learned counsel has drawn our attention to the order issued by the respondents/ Inquiring Authority dated 17.4.2002 in the disciplinary proceedings

*Yours*

initiated against the applicant on 2.12.1999 (Page 34 of the paper book). The relevant portion of this letter reads as follows:-

" The inquiring Authority has no infrastructure like, office, stenographer, typewriters etc. in his capacity as Jt.Dir. for inquiry everything has to be borrowed from others. Thanks to efforts of PO, Room No.323 A was arranged on 15 Apr 2002 after having waited in corridor till 1500hrs. In such circumstances, it is not possible to conduct the inquiry. Hence it is adjourned sine die/till permanent arrangements are made. Dated for 22-23 April 2002 stands cancelled. All concerned may be intimated".

3. The applicant has made a prayer in this OA for quashing the charge-sheet dated 2.12.1999 for ~~an~~ inordinate delay and negligence on the part of respondents resulting in violation of natural justice. He has also prayed for <sup>an</sup> <sup>13</sup> interim order that a direction should be given to the respondents to consider granting promotion to the applicant notwithstanding the doubtful use of pending disciplinary case which is remaining unsettled since 1994.

4. The reasons given by the Inquiry Authority in his letter dated 17.4.2002 for adjourning the disciplinary proceedings sine- die till permanent arrangements are made certainly affects the interests of the applicant as the disciplinary proceedings have already been pending for a number of years from December, 1999. Respondents have also not cared to apprise the Court as to what action, if any, they have taken on the letter dated 17.4.2002 and neither has any one appeared <sup>they</sup> nor have <sup>they</sup> filed reply to the OA. The main grievance of the

47/

applicant is that the long pending disciplinary proceedings against him have adversely affected the consideration of his chance for promotion to the next higher grade. This is a matter for the respondents to have looked into so that the enquiry proceedings initiated against the applicant could be completed by them, in accordance with law, rules and instructions. This has apparently not been done.

5. In the above facts and circumstances of the case and in the interest of justice, we consider it appropriate to dispose of this OA with the following directions:-

Respondents to take appropriate decision if not already taken in the aforesaid letter dated 17.4.2002 expeditiously and in any case within two weeks from the date of receipt of a copy of this order. The Enquiry Officer shall proceed in the matter of the pending disciplinary proceedings, in accordance with law, rules and instructions and submit his report to the disciplinary authority within three months thereafter. The disciplinary authority thereafter shall take a final decision in the matter within one month from the date of receipt of the Enquiry Officer's report, with intimation to the applicant. Further action shall be taken, including the question of consideration of the applicant for promotion pursuant to the aforesaid decision, in accordance with law, rules and instructions.

*[Signature]*  
No order as to costs.

(S.A.T.Rizvi )  
Member (A)

*[Signature]*  
(Smt.Lakshmi Swaminathan )  
Vice Chairman (J)