

Central Administrative Tribunal
Principal Bench

O.A. No. 901 of 1999

New Delhi, dated this 11th December, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

Shri B.L. Barsena,
S/o Shri Kalu Ram Barsena,
R/o 494, DDA Flats, Lado Sarai,
New Delhi-110030.

... Applicant

(Applicant in person)

Versus

1. Union of India through
the Secretary,
Ministry of Telecom., Sanchar Bhawan,
New Delhi.
 2. Chief General Manager (NTR),
Dept. of Telecom.
Kidwai Bhawan, Jan Path,
New Delhi-110050.
 3. Shri I.S. Kumar,
Vigilance Officer,
C/o CGM (MTN Ltd), Khurshid Lal Bhawan,
New Delhi-110050.
 4. The C.G.M (MTN Ltd.)
K.L. Bhawan, Jan Path,
New Delhi-110050.
 5. The Divl. Engineer Phones (FRS),
MTN Ltd., Sector 6,
Rohini, Delhi-110085.
- ... Respondents

(By Advocate: Shri N.C. Sikri, Sr. Counsel
with Shri V.K. Rao)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant prays for quashing the charge sheets dated 27.5.88; 7.1.91; and 8.2.91 (Annexure-D Copy) and for a direction to respondents to consider him for promotion on "One time bound promotion" w.e.f. 30.10.89 and promotion as Sr. Telephone Operator w.e.f. 1994 when his juniors were so promoted with all consequential benefits.

2. We have heard applicant who argued his case in person and Shri N.C. Sikri, Sr. Counsel along with Shri V.K. Rao for respondents.

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3. Applicant has challenged the chargesheets as being illegal, biased and malafide and also on grounds of delay.

4. A perusal of the impugned chargesheets shows that the charges against applicant are of serious nature. In UOI Vs. Upendra Singh JT 1994(1) SC 658 the Hon'ble Supreme Court has held that Courts/Tribunals should not interfere with departmental proceedings at interlocutory stages. In the case of charges framed in a disciplinary proceedings the Courts/Tribunals can interfere only if the charges framed (along with the imputation of misconduct) disclose that no misconduct or irregularity has been made out or that the charges framed are contrary to law. Manifestly in regard to the impugned chargesheets, it cannot be said ^{at this stage} that no misconduct or irregularity is made out, or that the charges framed are contrary to any law. The allegations of malafide made by applicant are also of a general and vague nature. Under the circumstance the prayer for quashing the chargesheets is rejected, and manifestly till such time as the DE based on those chargesheets are not concluded, there can be no question of considering applicant for promotion.

5. However, before parting with this case, we must record our disquiet at the fact that chargesheets dated 27.5.88; 7.1.91 and 8.2.91 are still pending. Respondents in their reply have stated that in regard to the chargesheet dated 27.5.88 the Enquiry Officer has been appointed. If over 11 years after framing of the charges, a D.E. has reached the stage only of appointment of an Inquiry Officer, the position can under no circumstance be said to be satisfactory.

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6. Under the circumstance we dispose of this OA with a direction to respondents to proceed with the DEs against applicant in accordance with rules and instructions as expeditiously as possible, in which applicant should also fully cooperate such that the DEs are concluded within 4 months from the date of receipt of a copy of this order. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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