

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(14)

O.A. NO.170/1998

New Delhi this the 11th day of December, 2000

Hon'ble Shri V.K. Majotra, Member (A)
Hon'ble Shri Shankar Raju, Member (J)

Tej Kishan,
S/o Pt. Gopi Nath,
R/o Z-20, Sarojini Nagar,
New Delhi-110023.

-Applicant

(By Advocate: Shri A.K. Behra)

Versus

Union of India & Ors. through

1. The Secretary,
Ministry of Defence,
South Block,
New Delhi-110 011.
2. The Engineer-in Chief,
Army Headquarters,
DHQ, New Delhi 110 011.
3. The Chief Engineer,
Western Command,
Chandi Mandir.

-Respondents

(By Advocate: None)

ORDER (Oral)

Shri V.K. Majotra, Member (A)

This application has been made against the alleged illegal and arbitrary action of the respondents in not completing the disciplinary proceedings initiated against the applicant towards the end of his career expeditiously, thereby prejudicing his interest in the matter of fixation of his pension and pensionary benefits on a regular basis.

The applicant superannuated on 30.6.1998 (learned counsel of the applicant states that there is a typographical error in the OA regarding the year of superannuation of the applicant. Actually he superannuated on 30.6.2000). The learned counsel has informed that ^{six} ~~four~~ charge sheets were

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served on the applicant between the years 1996 and 1998, four of which have been concluded with punishment/exoneration. However, two enquiries initiated vide Memorandum dated 28.2.97 (Annexure A-VI) and Memorandum dated 18.3.98 (Annexure R-II) have yet not been completed by the respondents and thus his pension and other pensionary benefits have not been finally decided by the respondents as yet.

2. None has appeared on behalf of the respondents. We have proposed to proceed with the matter finally under Rule-16 of the CAT(Procedure) Rules, 1987.

3. We find that proceedings initiated vide Memorandum dated 28.2.97 (Annexure A-VI) contained charges relating to events occurred between the period 1991-1993 and charges contained in the second charge sheet dated 18.3.98 (Annexure R-II) relates to events occurred between June 1990 and September 1993.

4. Whereas the aforesaid two charge sheets were initiated in 1997/98, the events on which the charges are based relate to several years ago. Obviously, the respondents have not expedited the initiation of the disciplinary proceedings as well as the conclusion of the related disciplinary proceedings. In our view, interest of justice would be served if the respondents are directed to complete the above proceedings within a stipulated period. Accordingly, the respondents are directed to complete the aforesaid two disciplinary proceedings against the

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applicant within a period of three months from the date of receipt of a copy of this order. However, placing reliance on the ratio of State of Punjab & Ors Vs. Chaman Lal Goyal (1995) 2 SCC 570, it is clarified that in case the respondents fail to finally conclude the said enquiries within the periods stipulated as above, the disciplinary proceedings shall be deemed to have ~~been~~ abated forth-with with consequential benefits. No costs.

S. Raju

(Shankar Raju)
Member (J)

V.K. Majotra

(V.K. Majotra)
Member (A)

cc.