

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 1594/95

Date of decision 25.1.96

Hon'ble Shri N.V.Krishnan, Acting Chairman
Hon'ble Smt.Lakshmi Swaminathan, Member (J)

Shri R.K.Mishra,
S/o late Sh.A.M.Mishra
R/o Block 23, H.No.179, Lodi Colony,
New Delhi.

(By Advocate Shri J.K.Bali) ..Applicant

Vs.

1. Union of India, through the
Secretary,
Ministry of Communication,
Dept.t of Telecom, Sanchar Bhawan,
20 Ashoka Road, New Delhi.

.. Respondent

(By Advocate Shri N.S. Mehta-though
none present)

ORDER (ORAL)

(Hon'ble Shri N.V.Krishnan, Acting Chairman)

The applicant has assailed the Memo. of charges issued to him on 12.2.1993 (Annexure A-2) by which the disciplinary proceedings have been initiated against him. He also seeks/further direction that the Departmental enquiry be completed within four months in case the first prayer is not granted.

2. Respondents have filed reply and contested the claim. They contend that no time limit has been prescribed in the rule for completion of the disciplinary enquiry as it is not desirable to set any time limit.

3. We have considered this matter. The Memo. of charges show that the mis-conduct alleged on the part

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of the applicant is in respect of countersigning bills of various parties all of whom were sister concerns, though no supply orders had been placed on them, and the prescribed departmental norms and procedures had not been followed. The statement of imputation refers to 15 bills and as many as 70 documents and 22 witnesses are to be examined. It is submitted that an Enquiry Officer has been appointed in August, 1995 only.

Learned counsel for the applicant also states that the applicant is due to retire on 31.10.1996.

4. We are unable to endorse the views of the respondents that a time limit should not be fixed for completing the Departmental Enquiry by the Enquiry Officer. To complete the D.E. ~~early~~ ^{in full} cooperation has to be extended by the applicant also. It is however, open to the Enquiry Officer to proceed ex-parte if the delinquent does not appear and tries to delay the proceedings. It would be desirable to set a time limit to complete the enquiry by the Enquiry Officer.

5. We are of the view, that it should be possible for the enquiry officer to complete the enquiry within a period of 8 months which is a tentative limit set by us.

Respondents are, therefore, directed to ensure that the Enquiry Officer completes the enquiry, as expeditiously as possible, preferably within a period of 8 months from the date of receipt of this order.

6. O.A. is disposed of as above.

Lakshmi Swaminathan *28/1/81*
(Smt. Lakshmi Swaminathan) (N.V.Krishnan)

Member (J)

Acting Chairman

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