

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A.No.2697/97

M.A.1031/98

New Delhi, this the 1st day of June, 1998.

Hon'ble Shri N.Sahu, Member (A)
Hon'ble Dr.A.Vedavalli, Member (J)

(6)

M.K.Setia,
S/o late Shri L.R.Setia,
Desk Officer (under suspension)
Department of Telecom,
r/o 27-Kalibari Apartments,
Udyan Marg,
New Delhi-110001.

.....Applicant

(By Advocate Shri Shyam Babu)

Versus

Union of India.
through the Secretary,
Department of Telecom
Ministry of Communications,
Sanchar Bhawan, 20-Ashoka Road,
New Delhi.

....Respondents.

(By Advocate Shri R.V.Sinha)

O R D E R (ORAL)

HON'BLE SHRI N.SAHU, MEMBER (A)

The notesheet setting out the chronological dates has been presented to us by the ld. counsel for applicant Shri Shyam Babu. The applicant was suspended in 1996 for certain alleged offences dating back to 1991. On 10.9.96, he appealed for revocation of suspension. This appeal was rejected.

2. Shri Shyam Babu states that under the law, the respondents are statutorily required to review the need for continuation of suspension periodically. The respondents have not reviewed suspension since November, 1996. The most important point made out by Shri Shyam Babu is that so far the respondents have already changed four Presenting Officers. The present Presenting Officer has not attended brief hearings fixed by the Enquiry Officer. He has also not attended two regular

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hearings held on 14.4.98 and 15.4.98. In respect of the second charge sheet, the Presenting Officer did not attend the hearings on 5.3.98, 18.3.98 and 27.4.98. The details in this regard are presented in a graphic manner from Annexures A-1 to A-5. That apart, it is submitted that the preliminary investigations in this case were over since 1992.

3. Under the circumstances, Shri Shyam Babu states that in the interest of justice, an appropriate time frame may be fixed for conclusion of the disciplinary proceedings, or else, the suspension be revoked as it is continuing without any ground. Shri Shyam Babu pleaded that two months time may be fixed for finalisation of the enquiries. This case had already begun in 1996. Two years have passed, yet the Enquiry Officer had not been able to make a good start so far.

4. Shri R.V.Sinha, Id. counsel for respondents states that while there is a delay on the part of the respondents, in the very nature of the case, it would certainly take time to examine the witnesses and provide opportunities to the defence witnesses. He submitted that two months time limit suggested by the applicant's counsel would be woefully inadequate.

5. We notice that suspension has been prolonged without a review. The public exchequer is burdened with payment of subsistence allowance. Absolutely no worthwhile progress has been made in the inquiry proceedings. It is clear that the applicant is not at fault in this delay.



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6. After hearing Shri Sinha, we allow only four months time (120 days) from the date of communication of the order for completion of the inquiry and submission of the inquiry report. If the Enquiry Officer does not finalise this inquiry within this time frame, the proceedings shall stand abated.

7. In view of the above order, Shri Shyam Babu, ld. counsel for applicant does not want to press the grounds in O.A.2697/97.

The O.A. is disposed of with the above directions.

A. Vedavalli

(Dr.A. Vedavalli)
Member(J)

N. Sahu

(N. Sahu)
Member(A)

/dm/