

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

MA.248/95 and OA.No.1440/94

Dated this the 1st of February, 1995

Shri N.V. Krishnan, Hon. Vice Chairman(A)

Dr. A. Vedavalli, Hon. Member(J)

Shri Murari Lal,

S/o Late Shri Balwant Singh,

R/o 145, Sector-3, Type-IV,

Sadiq Nagar, New Delhi,

Applicant

By Advocate: Shri P.P. Khurana,

versus

1. The Union of India through
The Secretary,
Ministry of Personnel, Public
Grievances and Personnel Training,
North Block, New Delhi.

2. The Central Bureau of Investigation,
through its Director, CGO Complex,
Lodhi Road, New Delhi. Respondents

By Advocate: Shri M.M. Sudan.

O R D E R (Oral)

(By Shri N.V. Krishnan)

1. MA.248/94 has been filed by the applicant in
pursuance of a direction given by us on the last
date. Reply thereto, has also been filed.

2. The main contention of the applicant was, even
after the case was remanded, the enquiry was proceeded
at a slow pace and was not completed before 4.1.95, by
which date, according to the respondents own order,
the enquiry ought to have been completed. In the
circumstances, a prayer is made in the MA that the
respondents may be directed to pass a final order on
the basis of whatever record is available.

6

13

3. The respondents have filed a reply to the MA stating that the complainant, who was the prime witness in the Departmental Enquiry case, did not remain present in Calcutta on 23/24.1.95. The enquiry has been adjourned to 30.1.95 at Delhi. The learned counsel states that the respondents have information that the complainant is now at Delhi and he is hopeful that his evidence would have been taken by now.

4. The learned counsel for the applicant also draws our attention to a note of the enquiry officer in the proceedings, in which, he appears to have stated that he is required to submit his report in the case, on or before 15.2.95. In the circumstances, the learned counsel for the applicant prays that either a reasonable time may be fixed to complete the enquiry in the light of what has been stated above by him or a direction be issued to the respondents to pass a final order in this regard on the basis of available records.

5. We have considered the case. The original cause of action of the applicant was nonrevocation of the order of suspension despite the enquiry officer exonerating him of the charges. That report has not been accepted and a fresh enquiry has been ordered and the case was remitted back to the enquiry officer to continue the enquiry afresh, particularly, after examining the complainant as a witness. We notice that the time set by the disciplinary authority for this purpose has already expired on 5.1.95. However, these are matters where slippages in time can certainly take place. But the grievance of the

14

applicant is that he is unnecessarily kept under suspension, particularly when in the first round, he has been exonerated by the respondents.

6. In this view of the matter, we are satisfied that a time limit should be set, before which, the enquiry should be completed, failing which, an order should be made that the respondents shall revoke the suspension and reinstate the applicant in service. We feel, that 3 months time from today, would be a reasonable time to complete the enquiry. Accordingly, we direct that either the enquiry should be completed by the enquiry officer and report sent to the disciplinary authority within three months from today, or, if the enquiry is not so completed, the respondents shall revoke the suspension of the applicant and reinstate him in service on expiry of such three months.

7. MA is disposed of, with the above direction.

8. Nothing else survives in this OA. The OA itself stands disposed of. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)

N.V. Krishnan
1.2.95

(N.V. Krishnan)
Vice Chairman(A)

/Kam010295/