

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
N E W D E L H I

O.A. No. 2102/89 with 199
 M.P. XXXX No. 265/90

DATE OF DECISION 9.10.1990.

<u>Shri Gian Chand</u>	<u>xpetitioner</u>
<u>Shri Umesh Misra</u>	Advocate for the petitioner(s) ^{Applicant}
<u>Versus</u>	
<u>Union of India & Another</u>	<u>Respondent</u>
<u>Shri M.L. Verma</u>	Advocate for the Respondent(s)

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The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? */M*
4. Whether it needs to be circulated to other Benches of the Tribunal? */M*

(Judgement of the Bench delivered by Hon'ble
 Mr. P.K. Kartha, Vice-Chairman)

The applicant, who is working as an Assistant Engineer in the Military Engineering Service (M.E.S.) under the Ministry of Defence, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying that the impugned order dated 15.6.1989, be set aside. In MP-265/90, he has prayed that the respondents may be directed to open the sealed cover and give effect to the recommendations contained therein regarding his promotion.

2. We have gone through the records of the case carefully and have heard the learned counsel for both the parties.

Common disciplinary proceedings were initiated by the President against 8 officers, including the applicant, in 1987. After holding an inquiry, the Inquiry Officer submitted a report

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to the President. The President came to the conclusion that while conducting the enquiry, certain procedural irregularities had occurred. Consequently, by order dated 15.6.1989, he cancelled the charge-sheet served on the applicant without prejudice to issuing a subsequent charge-sheet.

3. When the application was heard on 2.11.1989, the Tribunal passed an interim order directing the respondents not to proceed with the holding of any further proceedings pursuant to the memorandum dated 15.6.1989 proposing to institute enquiry against the applicant under Rule 14 of the C.C.S.(CCA) Rules. Despite this, it appears that the respondents have continued with the holding of the inquiry. The learned counsel for the applicant mentioned that the next date of inquiry is 9.10.1989. He also stated that as disciplinary proceedings were pending against the applicant, 'sealed cover' procedure was adopted regarding the recommendations made by the D.P.C. for promotion to the next higher grade. He submitted that the respondents should complete the inquiry as expeditiously as possible, so that the 'sealed cover' could be opened and the finding of the D.P.C. could be given effect to after the inquiry is concluded.

4. After hearing the learned counsel for both the parties, we are of the opinion that there is some force in the contention of the applicant as regards the expeditious conclusion of the departmental inquiry initiated against him. The charge relates to the period April, 1973 to April, 1976 and more than one year has elapsed after the fresh charge-sheet dated 15.6.1989 was issued by the respondents. In the interest of justice and fairplay, we direct that the respondents/

shall

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conclude the inquiry and pass final orders as expeditiously as possible but in no event, later than six months from the date of receipt of this order. We also direct that the applicant shall cooperate with the conduct of the inquiry. After the final orders are passed as directed above, the respondents shall open the sealed cover and give effect to the findings of the D.P.C., depending on the outcome of the proceedings.

5. The application is disposed of on the above lines. There will be no order as to costs.

D. K. Ghakravorty
(D. K. Ghakravorty)

Administrative Member

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P. K. Kartha
9/10/90
(P. K. Kartha)
Vice-Chairman (Judl.)