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OA 1973/88

6.3.1989

Present: Shri M.M. Sudan, Counsel for the applicant.
None for the respondents.

The case is adjourned to 3rd April, 1989, for admission

(Signature)

(K.J. RAMAN)
MEMBER (A)

(Signature)

(P.K. KARTHA)
VICE CHAIRMAN(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 1973/88

Date of decision 03-04-1989.

Shri B.R. Amar

.....Petitioner

Vs.

Union of India & Others

.....Respondents

For the Petitioner

.....Shri M.M. Sudan,
Counsel

For the Respondents

.....Shri P.P. Khurana,
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. AJAY JOHRI, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporters or not?

JUDGMENT (ORAL)

The applicant, who is working as a Radiographer in the Ram Manohar Lohia Hospital, New Delhi has filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs:-

- "(i) Memorandum dated 23.1.87 (Annexure:A-4) may be declared illegal, void and may be quashed.
- (ii) The respondents in the alternative be directed to complete the enquiry within reasonable time.
- (iii) That order dated 4.11.87 may be quashed being illegal and applicant may be ordered to be promoted with

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effect from the date of his junior is promoted.

(iv) Any other relief which this Hon'ble Tribunal deems fit in the circumstances of the case."

2. The respondents have filed their counter affidavit.

The case was listed for admission today when we have heard the learned counsel of both parties.

3. The second prayer mentioned in the application is that the enquiry which was started on 23.1.87 by the issue of the impugned memorandum at Annexure A-4 has not been finalised and that the respondents should be directed to complete the enquiry within a reasonable time. In the meanwhile, it has been alleged that a person junior to the applicant has already been promoted by the respondents.

4. It is needless to go into the various other grievances mentioned in the application as we consider that it will be appropriate to issue a direction to the respondents to complete the enquiry within a reasonable time as prayed for by the applicant.

5. In the facts and circumstances of the case, we direct that the respondents shall complete the Disciplinary Enquiry initiated by them on 23.1.1987 as expeditiously as possible but in no event not later than 15th July, 1989. During the hearing the learned counsel of the applicant challenged the administrative competence of the Chief Officer to initiate the impugned proceedings. This aspect should also be gone into by the respondents. In case the applicant is

exonerated in the proceedings, the respondents should also consider the suitability of the applicant for promotion to the next higher grade. In case the applicant is aggrieved by the final order passed by the Competent Authority, he will be at liberty to file a fresh application in accordance with law after exhausting the remedies available to him under the relevant service rules. The application is disposed of on the above lines with no order as to costs.


(AJAY JOHRI)
MEMBER (A)


(P.K. KARTHA)
VICE CHAIRMAN (J)