

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA.26/88

Date of Decision: 13.05.1993

Prem Singh

Applicant

Versus

Master General of Ordnance
Services

Respondents

CORAM: The Hon. Mr. A.B. GORTHI, Member(A)

The Hon. Mr. C.J. ROY, Member(J)

JUDGEMENT (Oral)

(delivered by Hon. Member(A) shri A.B. GORTHI)

This case was listed for hearing on 12.5.93, but none appeared for either side on that date. The case was adjourned for peremptory hearing today, but even now, we find none for either side. This is ^{an old} ~~a known~~ case, which should not be delayed further. Hence we proceed to dispose of this case on the basis of the material available on record.

2. The applicant who is a Store Keeper in the Ordnance Stores Section (OSS) attached to 510 Army Base Workshop Meerut Cantt., was served with a charge memo on 24.11.73. The accusation against him was that he improperly and without authority submitted a representation direct to the higher authorities on 30.10.73. After the issuance of the charge memo, Enquiry Officers were appointed one after the other, during the period 1974 to 1981. None of the 8 Enquiry Officers, who conducted the enquiry, could complete the enquiry. On 19.12.81, a fresh charge sheet was served upon the applicant containing the same old accusation. Thereafter, one again as many as 4 enquiry officers were appointed one after the other to conduct the enquiry, but none could do so and complete the same. The applicant's prayer, therefore, is that the disciplinary

proceedings shall not be continued further.

3. Despite notice to the respondents, they have neither bothered to file a reply affidavit nor put in appearance to contest the case. The allegation of the applicant is that as the initial enquiry could not substantiate the charge against him, the charge was dropped, and therefore, issuance of the 2nd charge memo on the same old accusation is not proper.

4. From the material on record, it cannot be said that the respondents took a deliberate decision to drop the charge memo as such. But the fact remains that a very simple charge of making a representation to the higher authorities direct has been kept pending for such a long period without proper enquiry. We do not find any justification whatsoever for the respondents to keep the disciplinary proceedings thus pending against the applicant. It has been held in the case of State of MP Versus Bani Singh, AIR 1990 'SC' 1308, that the disciplinary proceedings initiated after a period of 12 years are liable to be quashed in the absence of any satisfactory explanation for the delay. In the instant case, as already stated, there is no explanation whatsoever from the respondents, as to why, they could not complete the enquiry into a simple charge as has been made against the applicant. Consequently, we have no hesitation in holding that it would be injudicious to permit the respondents to proceed with the departmental proceedings any further. The pending departmental proceedings are hereby set aside. The applicant shall be entitled to all consequential benefits. No order as to costs.

ur
C.J. ROY
MEMBER(J)
13.05.1993

ur
(A.B. GORTHI)
MEMBER(A)
13.05.1993