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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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OA No. 192/87

CCP No. 32/88

Shri Charan Singh Vs. Union of India

8.2.1990

Present: Shri R.L. Sethi, Sr. Advocate for applicant
Mrs. Raj Kumari Chehra, Counsel for respondents.

This is regarding CCP No. 32/88 in OA No. 192/87. The Ld. Counsel for the petitioner had moved the CCP as the orders passed by this Tribunal to the effect that the disciplinary proceedings against the applicant, if instituted should be completed within 3½ months from 21.4.87, the date on which the judgement in the said OA was delivered. It was further directed that a fresh order may be made in regard to the applicant's promotion or otherwise as the circumstances justify.

2. The respondents had sought extension of time from time to time with a view to implement the decision of the Tribunal, culminating in the last extension on 31.10.1989. As no decision was taken even till then, we directed the respondents vide order dated 21.12.89 that Col. S.Y. Rawoot, CWE and Major S.J.M. Jafri, Garrison Engineer should be present in person in the court to explain the reasons for non-compliance of the order passed by this Tribunal on 7.2.1990.

3. The case came up for hearing on 8.2.1990 when the said respondents made appearance before the court. Major Jafri, Garrison Engineer explained that action to complete the enquiry was taken promptly in compliance with the Court's order. Initially the applicant did not agree with the charges resulting in the Court of Inquiry. The applicant also asked for a copy of Board of Officers vide his application dated 29.7.1989. The relevant extracts were supplied on August 5, 1989. Thereafter the applicant failed to attend the enquiry on one pretext or the other, in the four sittings scheduled during August, 1989.

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Final enquiry was held on 13th September, 1989 when some objections regarding the charges were raised by the applicant. On the next date of hearing viz., 13.10.1989 the applicant did not appear. He also did not appear on the next date fixed on 20.10.1989 but he gave an application that he had no faith in the enquiry officer's impartiality on 18.10.1989. The objection was overruled and fresh date was given on November, 1, 1989. The applicant again did not attend the enquiry. The enquiry was thus completed ex-parte and report submitted to the disciplinary authority. The disciplinary authority, i.e. the Chief Engineer, Western Command Chandi Mandir Cantt, has since imposed the penalty on the petitioner on January, 20, 1990.

4. Having regard to the explanation given by the officers personally in the Court, we are satisfied that there has been no wilful or deliberate attempt to disobey or delay in carrying out of the order of this Tribunal. Accordingly, the CCP is dismissed and the notice of contempt is discharged.

Arsh Singh
(I.K. Rasgotra) 7/2/90
Member (A)

See 8/1/90
(T.S. Oberoi)
Member (J)