

2
09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.CCP 4/91 in
OA 2311/1989

Date of decision: 14.3.1991.

Shri Kishan Lal

...Applicant:

Vs.

Shri M.K. Miglani

...Respondents

For the Applicant.

....In person

For the Respondents

...Shri Mahavir Singh,
Sr. Standing Counsel
for the State of
Haryana,
Shri A.K. Behra, proxy
counsel for Shri P.H.
Ramchandani, Counsel
for the respondents.

COMAM:

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

THE HON'BLE MR. DK. CHAKRAVORTY, ADMINISTRATIVE MEMBER

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

JUDGMENT (O.L.)

(of the Bench delivered by Hon'ble Mr. P.K.
Karttha, Vice Chairman(J))

We have heard the applicant in person and the learned counsel for the respondents on CCP 4/91. The applicant has alleged that the respondents have deliberately disobeyed the interim orders passed by the Tribunal on 21.11.1989, 19.7.1990 and 11.10.1990. In the order dated 21.11.1989, the Tribunal had inquired as to why the respondents have not concluded the disciplinary proceedings initiated against the applicant, as far back as in 1987. In the subsequent order dated

19.7.1990, the Tribunal directed the respondents to conclude the inquiry and pass final orders as expeditiously as possible. Finally on 11.10.1990, the Tribunal after hearing the learned counsel of both parties, directed that in the interest of justice, the respondents should pass final orders on the inquiry before 31.12.1990 and communicate the same to the applicant.


2. Admittedly, no final orders have been passed by the respondents within the timelimit prescribed in our order dated 11.10.1990. Shri M.K. Miglani, Commissioner and Secretary to the Government of Haryana in his reply-affidavit has stated that he took over ^{as} Secretary, Forests, on 23.8.1990 and since then, he took all necessary steps to get the matter cleared expeditiously. He has stated that according to the Rules of Business, the matters of all Class-I Officers are submitted to the Chief Minister of the State through the Minister in-charge of the Department. Thus, according to him, there is no deliberate disobedience of the orders passed by the Tribunal and that the matter is still under process. The respondents have also stated that the matter now stands referred to the UPSC.


or

3. We are not impressed by the reasons given by Shri Miglani in his reply-affidavit. Admittedly, the respondents did not comply with the directions of the Tribunal that the final order should be passed on the inquiry before 31.12.1990. The respondents had ample time to do so as the inquiry was initiated as far back^a as in 1987.

4. In the circumstances, we hold that there is no justification in prolong^eing the disciplinary case against the applicant any longer and we hold that any action taken in regard to the disciplinary proceedings after 31.12.1990 will not be legally valid and tenable in law.

5. CCP 4/91 is disposed of with the above directions and the notice of contempt is discharged.


(D.K. CHAKRAVORTY)
MEMBER(A) 14/3/1991


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