

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(39)

D.A. 2618/91

New Delhi this the 21th day of August, 1997

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Hon'ble Shri R.K. Ahooja, Member (A)

Shri Gian Singh
s/o Shri
Retd. Assistant Transportation
Supdt. Northern Railway,
Bhatinda (Punjab)

Residential address

Gian Singh
G-235, Vikas Puri,
New Delhi.

... Applicant

(By Advocate Shri G.D. Bhandari)

Vs.

1. Union of India through the
General Manager, Northern
Railway, Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, Ambala Cantt.
3. Chief Operating Manager,
Northern Railway Baroda House,
New Delhi.

... Respondents

(By Advocate Shri R.L. Dhawan)

ORDER (ORAL)

(Hon'ble Shri R.K. Ahooja, Member (A))

The applicant has filed this application
praying that the disciplinary proceedings which were
initiated against the applicant vide Memo. dated 27.3.89
(Ann. A.1) be quashed on various grounds. One of the
grounds taken by the applicant is that the departmental
proceedings had not started during the service period
of the applicant but a number of years after his retirement
on 31.3.1989. It has also been pointed out by the applicant
that the respondents have not yet taken a final decision
on the aforesaid enquiry even after filing of the repre-
sentation dated 16.5.94 (Ann.C)

2. We have heard the learned counsel on both sides.

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Learned counsel for the respondents has argued that the delay in completion of the enquiry was due to non-cooperation of the applicant on various issues regarding the change of Presenting Officer and Enquiry Officer. This has been denied by the learned counsel for the applicant. He submits that the conduct of the respondents is evident by the fact that though nothing further survives on the part of the applicant since 1994., the respondents have still not been able to take any decision during the last three years.

3. Shri G.D. Bhandari, learned counsel has pressed on various issues regarding the maintainability of the charge-sheet, competency of the disciplinary authority as well as the legality of the continuance of the enquiry after retirement of the applicant. Having heard the learned counsel, we do not consider that it is necessary to go into these issues. In the facts and circumstances of the case, we consider that it is appropriate if the disciplinary proceedings are completed as expeditiously as possible, in any case not later than 6 months from today.

4. Accordingly, this OA is disposed of with a direction to the respondents to conclude the disciplinary proceedings and pass a final order within a period of six months from today. Considering the long delay in completion of the proceedings since the applicant has retired in 1989, i.e. a period of 8 years has already elapsed, we direct further that in case the respondents fail to carry out the directions to conclude the enquiry within the aforesaid period, the disciplinary proceedings will be deemed to have abated.

5. Let a copy of this order be given to the parties today.

Rekha
(R.K. Aboaja)
Member (A)

Lakshmi
(Smt. Lakshmi Swaminathan)
Member (J)