

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI



O.A No.26 of 1992

New Delhi, this the 9th day of February, 1996.

HON'BLE MR JUSTICE B.C.SAKSENA, VICE CHAIRMAN(J

HON'BLE MR R.K.AHOOJA, MEMBER(A)

Shri Jeet Singh Bansal,
Asstt.Engineer(Construction)
Northern Railway,
Jagadhari Workshop
Distt.Yamuna Nagar,
Haryana.

... .. Applicant.

(through Mr V.P.Sharma, Advocate).

versus

1. The General Manager,
Northern Railway Baroda House,
New Delhi.

2. The Chief Administrative Officer
Construction Department,
Northern Railway,
Kashmere Gate, Delhi. Respondents.

(through Mr R.L.Dhawan, Advocate).

ORDER

(delivered by Hon'ble Mr R.K.Ahooja, Member(A)

The applicant is aggrieved that the disciplinary proceedings initiated against him since 5.8.1988 have not so far been completed and as a result of which he is being deprived of his promotion and on retirement the pensionary benefits.

2. The facts of the case are that the applicant was working as an Assistant Engineer(Construction) at Jagadhari Workshop under the Chief Administrative

Officer, Construction Department, Northern Railway. He had been promoted to the rank of Assistant Engineer(Civil) in 1982. On 5.8.1988, he was served with a charge-sheet on an alleged occurrence of the year 1985-86 on the allegation that he had mis-used the services of a Gangman for his domestic work at his residence although he was marked present in the master-sheet. In March, 1989, Shri J.N.Sharma, was appointed to hold an inquiry but the same was not completed and another Inquiry Officer, namely, Ms Urmila Sharma was appointed on 6.12.1989. This was followed by appointment of another Inquiry Officer, namely, Sri Chandrika Prasad vide order dated 7.11.1990. This was also followed by appointment of another Inquiry Officer Shri G.Tripathi on 26.3.1991. The applicant alleges that he was due for promotion to Senior Scale from 29.4.1991 and 14 persons, who are junior to the applicant have already been promoted to the senior scale and that he has been deprived of his promotion only because of the pendency of the disciplinary proceedings which have been kept pending for such a long period.

3. The learned counsel for the applicant submitted before us that the applicant had superannuated from service on 30.4.1992 on attaining the age of 58 years. He submitted that as far as his knowledge ^{or goes} the inquiry proceedings are not completed even now ~~and hence~~ and hence the applicant was being denied not only the benefits of his promotion on 29.4.1991 but had also been denied his full pensionary benefits.

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4 The respondents have raised a preliminary objection regarding limitation on the ground that though the charge sheet had been issued on 5.8.1988, the application has been filed before this Tribunal only in January, 1992. They also state that in the normal course, the applicant was not eligible for promotion to senior scale being a group-B Officer, as such the promotions are given only on the basis of the recommendations of the D.P.C. They aver that the case of the applicant for inclusion of his name in the select list was considered by the D.P.C. in January, 1991 but due to the pendency of the disciplinary proceedings his name has been kept in a sealed cover. The learned counsel for the respondents states that he is not aware of the present stage of the inquiry proceedings and also whether it has been completed or not.

3. Having considered the matter carefully, we are of the view that the application is not affected *by laches, since the date of enquiry is unknown.* The learned counsel for the applicant states that in view of the prolonged delay, the disciplinary proceedings may be quashed and set aside giving all the consequential relief to the applicant. Neither the learned counsel for the applicant nor the respondents' counsel could give any indication as to the present stage of inquiry. In the circumstances, we feel that the matter can be disposed of by a direction to the respondents that the disciplinary inquiry, if not completed, should be completed expeditiously.

5 We accordingly direct that the disciplinary inquiry be completed within a period of three months from the

On



date of receipt of a certified copy of this order and in case the applicant is exonerated, the sealed cover in which the recommendations regarding the applicant have been kept shall be opened and in case he has been recommended for promotion, then he will be deemed to have been promoted to the senior scale w.s.f. the date his next junior was promoted. The applicant, in that eventuality will be entitled to all the arrears of pay and to ^{all other} receive ~~the same~~ benefits, including the pensionary benefits. The application is disposed of accordingly leaving the parties to bear their own costs.

R. K. Ahuja
(R.K. Ahuja)
Member(A)

B. C. Saksena
(B.C.Saksena)
Vice Chairman(J)

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