

2653

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
\* \* \*

OA 2310/92

28.10.1992

Shri D.R. Mishra

...Applicant

Vs.

Union of India & Ors.

...Respondents

CORAM :

Hon'ble Shri P.C. Jain, Member (A)

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...In person.

For the Respondents

...Shri Rajesh, Counsel

1. Whether Reporters of local papers may  
be allowed to see the Judgement? X

2. To be referred to the Reporter or not? X

JUDGEMENT (ORAL)

(Delivered by Hon'ble Shri P.C. Jain, Member (A))

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant who is at present posted as Chief Instructor, Divisional Transportation Training School, Northern Railway, Shahjahanpur, is aggrieved about the delay in completion of the departmental inquiry initiated against him in pursuance of the Memorandum of chargesheet dt. 17.2.1989. He has prayed for the following reliefs :-

- i) Quash the Disciplinary proceedings initiated on SF-5 issued on 17.2.1989.
- ii) Direct the promotion of the applicant in Group B Class II Service in Gr. 2200-4000 against 25% quota in the Gazetted Post.
- iii) Consequential benefits be also allowed along with the costs of the present application.

IN THE ALTERNATIVE:

- i) Direct the respondents to complete the enquiry

...2...

within the maximum period of three months, failing which the enquiry shall stand quashed.

A notice was directed to be issued to the respondents on admission and interim relief. On 22.9.1992, Shri Rajesh, Advocate appeared for the respondents and prayed for three weeks' time to file a reply. Time, prayed for, was allowed. However, no reply has been filed till date. Though the learned counsel for the respondents prays for further three weeks' time to file a reply, we are not inclined to grant the same in view of the reliefs, prayed for, by the applicant in the alternative in this OA. We accordingly heard the applicant as well as the learned counsel for the respondents.

It is not in dispute that the Memorandum of chargesheet was issued to the applicant on 17.2.1989 and that the disciplinary proceedings in pursuance of the above chargesheet <sup>are</sup> still not complete. A period of more than three and a half years has passed and we can understand <sup>the</sup> anxiety of the applicant that the inquiry against him be completed without further delay as his promotion is said to be withheld due to pendency of these proceedings. Repeated instructions have been issued by the Government for completion of disciplinary proceedings expeditiously and without undue delay and in case the proceedings are delayed beyond the period prescribed, intimation to the higher authorities is required to be sent. In this view of the matter, we consider it appropriate to dispose of this OA at the admission stage itself by issuing a direction to the respondents to complete the disciplinary inquiry in pursuance of Memorandum dt.

...3...



17.2.1989, and for passing appropriate order by the Disciplinary Authority within a period of four months from the date of receipt of a copy of this order. If necessary, the inquiry may proceed on from day to day or on week to week basis and we expect that the applicant shall certainly cooperate in having the inquiry completed within the aforesaid period. No costs.

*J.P. Sharma*  
(J.P. SHARMA)  
MEMBER (J)  
28.10.1992

*P.C. Jain*  
(P.C. JAIN)  
MEMBER (A)  
28.10.1992