

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 17<sup>th</sup> day of January, 1997  
Review Application No. 25 of 1996

In

Original Application No. 662 of 1995

District : Allahabad

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Verma, J.M.

J.N. Srivastava S/o Late Shri Lalta Prasad  
Resident of 178 Hasting Road, Ashok Nagar,  
Allahabad and at present employed at Garrison  
Engineer's Office, Bamrauli, Allahabad.  
(By Sri DK Agarwal, Advocate)

.....Applicant

Versus

1. Union of India through Defence Secretary,  
Ministry of Defence, Govt. of India,  
New Delhi.
2. The Engineer-in-Chief, Army Headquarters,  
Kashmir House, New Delhi.
3. The Chief Engineer, (Engineer Branch),  
Headquarters, Central Command, Lucknow.
4. Officer Commanding 810 B.I.C. (New Combat  
Engineering Training Camp), C/o 56 A.P.
5. Garrison Engineer (Air Force), Bamrauli,  
Allahabad.

.....Respondents

ORDER

By Hon'ble Mr. S. Das Gupta, A.M.

This application seeks review of the order dated  
5-2-1996 by which the OA No. 662/1995 was dismissed  
in limine.

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2. In the aforesaid OA the applicant had challenged an order dated 13-3-1990 as well as the charge sheet dated 4-3-1990 and sought quashing of both. The case was dismissed on the ground that the order of suspension being interlocutory order and the charge sheet also being at interlocutory stage of disciplinary proceedings, there was no reason for the Tribunal to interfere. The order was passed in absence of the learned counsel for the applicant. The order sheet discloses that the learned counsel for the applicant had been repeatedly seeking adjournment and, therefore, on 5-2-1996 when he sought adjournment again, the case was taken up for orders.

3. It has been submitted in the review application that although the charge sheet was issued on 4-3-1990, the disciplinary proceedings were pending at the time of filing of the OA and even now it is pending. Thus, even after a lapse of four years, there had been no progress in the inquiry proceedings.

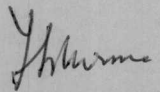
4. We have carefully perused the pleadings in the OA again. We have seen therefrom that the applicant had specifically averred that although he denied the charges on 4-8-1990 and by an order dated 20-7-1990 Major Jaipal Singh was appointed as the Inquiry Officer, there was no progress in the inquiry. Subsequently, Major Prabir Singh was appointed as the Inquiry Officer, who started the inquiry and continued the same till 5-4-1991, <sup>but</sup> nothing was heard of it thereafter. The suspension had been revoked in the meantime, but the applicant's representation that the period of suspension be treated as on duty and he be paid salary for the period, remained unreplyed to. It is, therefore

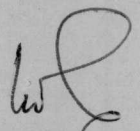
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true that at the time when the application was filed, the inquiry does not appear to have been concluded even after a lapse of four years and this fact also appears from the communication dated 20-1-1995 issued by the department in which the applicant is presently working.

5. In view of the foregoing, we recall the order dated 5-2-1996 and direct that the OA No.662/1995 be listed for admission on

  
Member (J)

  
Member (A)

Dube/