

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 194 of 1992

D.N. Pandey

..... Applicant

Versus

Union of India and Others

..... Respondents

CORAM:

Hon. Mr. Justice U.C. Srivastava, V.C

Hon. Mr. V.K. Seth, Member(A)

( By Hon. Mr. Justice U.C. Srivastava, V.C. )

The pendency of the disciplinary enquiry against the applicant has made him to land before this Tribunal making a complaint that more than 15 months have ~~been~~ passed and he has submitted a reply to the charge sheet and despite observations made by this Tribunal the enquiry is not completed. It appears that ~~the~~ earlier the applicant challenged the transfer order and the matter came up before the Tribunal and the Tribunal after considering various aspects dismissed the application. Certain observations in the nature made by the Tribunal regarding the disciplinary enquiry which may take place against him. There after a charge sheet was served upon the applicant paying a sum of Rs.15000/- fraudulently in non existent term.

2. According to the applicant he submitted a ~~re~~ reply to the charge sheet, a reference which finds place in a copy of <sup>reply</sup> which has been annexed with the rejoinder by the applicant. But the respondents have denied the receipt of any reply and according to them an enquiry

officer has been appointed and the applicant has not filed any reply that is why the enquiry could not proceed and the applicant has not filed any receipt to the charge sheet. It is not necessary to enter into the controversy and as the enquiry is pending since long it should end as a matter of fact as early as possible. Accordingly the applicant is directed to submit another copy of the same reply or a detailed reply within a period of three weeks from today and thereafter the respondents shall conclude the enquiry within a period of three months and the applicant shall fully co-operate with the enquiry. It will <sup>be</sup> open for the respondents to take day-today proceedings for concluding the enquiry within the prescribed period and the applicant shall also not try to stop the proceedings by making applications including ~~xxxxxxxxxxxx~~ inspection and production of certain documents. The respondents will also as far as possible give the documents which can be given and inspection of the documents the copy of which cannot be given. Incase even there after some grievance is there the applicant can ~~deserve~~ his right for future proceedings. Incase despite full co-operation by the applicant, the respondents themselves are guilty in concluding the enquiry within a period of three months from the date of submission of the reply by the applicant, the applicant will have a right to move an application for quashing the disciplinary proceedings altogether.

3. With these observations this application stands disposed of after hearing the parties. The copy of the judgement may be given within two weeks. No order as to costs.

Member(A)

Vice Chairman

(Uv)

Dated: 28.4.93