

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Original Application No: 1172 of 1994

A.K.Mishra ..... Applicant.

Versus

Union of India & Ors. .... Respondents.

Hon'ble Mr. T.L.Verma, Member-J

Hon'ble Mr. K.Muthukumar, Member-A

(By Hon'ble Mr. T.L.Verma, J.M.)

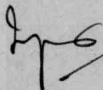
The applicant, a Lower Division Clerk posted in Military Farm, Allahabad, has filed this application for quashing chargesheet dated 15.4.1991 issued against him.

2. It is stated that the impugned proceeding is the result of conspiracy of the persons opposed to the applicant to harass him with malafide intention and also that the charges pertain to the year, 1986 while he was posted at Military Farm, Jhansi. The grounds on which the departmental proceeding has been assailed, are the matters to be examined by the Inquiry Officer in course of the inquiry only and as such cannot be entertained for quashing the chargesheet. The Supreme Court in number of cases, has held that the scope of judicial review in matters relating to departmental proceeding is very limited, and that in cases, where charges have been framed in departmental inquiry, the Tribunal or Court can interfere only if on charges framed no misconduct or other irregularity can be said to have been made out. We have perused the

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articles of charges along with <sup>statement of</sup> imputations and we find that no case to interfere with the chargesheet has been made out. We are therefore, not inclined to admit this application.

3. It may also be mentioned that the chargesheet was issued on 15.4.1991. This application has been filed on 2nd of August, 1994 i.e. nearly 3 years after the cause of action arose. This application is thus, obviously, barred by limitation. The learned counsel for the applicant informed us that he is filing petition for condonation of delay. We are not inclined to take cognizance of this fact. That apart, even if the application for condonation of delay is allowed, it is not going to make any material difference in view of the conclusion arrived at in the preceding paragraph. This application, for the reasons stated above, is dismissed.



Member-A



Member-J

Allahabad Dated: 11.8.1994

/jw/