

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

O.A. No. 871/95

8-9-95

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

Hon'ble Mr. D.S. Baweja, A.M.

This Application has been filed for quashing the charge sheet dated 13-8-91 or in alternative for issuing direction to the Respondents to finalise the proceedings expeditiously and for issuing a direction to the Respondents to allow the Applicant to work at Karvi as Gangman.

2. The Applicant was served with a charge memo dated 13-8-91 alongwith the article of charges and statements of imputations. The allegation against the Applicant is that he remained absent without leave from 4-3-90 to 7-8-91 for 523 days in the year, 1991. The validity of the charge sheet has been challenged inter-alia on the grounds of undue delay in disposal of the proceedings & incompetence of the Inquiry Officer to hold the inquiry. The Courts or the Tribunals can interfere with the disciplinary proceedings where charges have been framed, only if on charges framed, no misconduct or other irregularities alleged can be said to have been made out or the charges framed are contrary to any law.

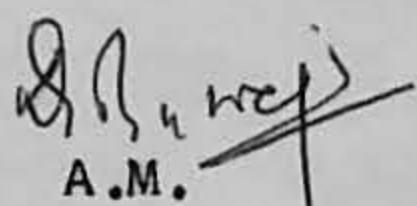
3. We have perused the charges framed and find that the same cannot be termed either as contrary to any law or that the facts complained of do not make out a case of misconduct. Hence, this Tribunal cannot interfere with the same.

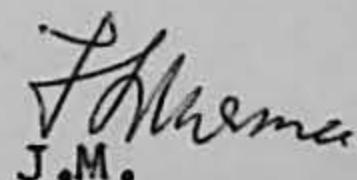
4. From the averments made in the Application, it appears that the inquiry has not yet been brought to

a conclusion. There is thus a considerable delay in the disposal of the disciplinary proceedings. At this stage of the case, issuing direction to the Respondents to bring the disciplinary proceedings to a conclusion within a time bound schedule shall meet the ends of justice.

5. So far as the relief regarding direction to the Respondents to permit the Applicant to remain at Karvi is concerned, the same also cannot be allowed in this Application. The Applicant has been transferred by the order dated 25-5-1995. This transfer has no nexus with the main relief of quashing the proceedings, hence cannot be joined in this Application. This prayer, for that reason cannot be entertained in this Application. The Applicant would have challenged his transfer order separately.

6. In view of the above, this Application is disposed of at the admission stage itself with the direction to the Respondents to finalise the disciplinary proceedings within a period of six months from the date of receipt of this order provided the Applicant co-operates with the Inquiry Officer.


A.M.


J.M.

RBD/