

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 9th day of August 2000.

Original Application no. 656 of 1999.

Hon'ble Mr. Justice, R.R.K. Trivedi, VC

Hon'ble Mr. S. Dayal, Administrative Member

Imtaz Ahmad Siddiqui,
S/o Late Shri Mohd. Badruddin,
R/o 118, Nakhaskona, Allahabad.

... Applicant

C/A Shri R. Verma

Versus

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. The Director General of Ordnance Services, Master General of Ordnance Branch, Army Headquarters, DHQ, P.O. New Delhi.
3. The A.O.C. Records, Officer Incharge, Trimulgherry, Secundrabad.
4. The Commandant, Central Ordnance Depot, Chheoki, Naini, Allahabad.

... Respondents

C/Rs. Sri S. Chaturvedi.



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O R D E R

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

This OA, under section 19 of the Administrative Tribunals Act, 1985, has been filed for quashing entire departmental proceeding including the chargesheet dated 23.2.98. It has also been prayed that respondent no. 3 may be directed to grant all the benefits to the petitioner which have been held up on account of the pendency of the aforesaid departmental proceeding alongwith all consequential benefits for which he should have been normally entitled. The grievance on the part of the applicant is that though the charges alleged against the applicant pertains to the year 1984-85,

The memo of charge was served on him on 14.01.92. The inquiry officer concluded the inquiry and submitted his report. However, the disciplinary authority remitted it again to the inquiry officer for de-novo inquiry. It is submitted that a fresh charge-sheet was served on the applicant on 23.2.98 (Annexure A-20). It has further been submitted that aggrieved by this inordinate delay the applicant approached the next superior authority/appellate authority for a direction to expedite the inquiry. Superior authority by its order dated 19.9.96 directed to conclude the inquiry within a period of 6 months. However, the inquiry has not been concluded and is still pending, causing serious harassment to the applicant and forfeiting all his chances of promotion etc in the service.



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2. Shri S. Chaturvedi on the other hand submitted that there is no doubt that delay has been caused, but it is on account of the fact that the CBI is ~~not~~ prosecuting and the presenting officer are not easily available. It has also been submitted that the applicant has been moving several applications during the pendency of the inquiry, which also delayed the quick disposal.

3. We have considered the submissions of the learned counsel for the parties. In our opinion, since the charges for which the applicant has been made subject to these proceedings, are old and ~~other~~ ^{the} inquiry was started in 1992, more than 8 years have been passed, there is no justification for such a long time being taken in concluding the inquiry. Even the order of superior authority to conclude the inquiry within 6 months, has not been respected.

4. In the facts and circumstances of the case, in our opinion, respondents may be directed to conclude the inquiry within a specified time.

5. The OA is thus disposed of finally with the direction to the respondent no. 3, AOC, Records, Office Incharge, to get the inquiry against the applicant, concluded, within a period of 6 months from the date copy of this order is filed before him. In case inquiry



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is not concluded within time specified above, it shall stand closed. We also direct the applicant to cooperate during inquiry and not to seek any adjournment for any reason.

6. No order as to costs.


A.M.
V.C.

/pc/