

II

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACKBENCH, CUTTACK.

Original Application No. 239 of 1987.

Date of decision ... September 21, 1987.

Maghanad Nayak, son of Birabar Nayak,
Accountant, Office of the Accountant
General (Accounts & Entitlement), Orissa,
Bhubaneswar.

Applicant.

Versus

1. Union of India through the Comtroller
and Auditor General of India, New
Delhi,-110 002.
2. Accountant General (Accounts and
Entitlement), Orissa, Bhubaneswar.
3. Senior Deputy Accountant General,
(Admn.) Orissa, Bhubaneswar.
Office of the Accountant General
(Accouts & Entitlement)Orissa,
Bhubaneswar.
4. Shri Sahdeo Prasad, I.A.A.S.,
Deputy Accountant General (RA),
Office of the Accountant General
(Audit), Orissa , Bhubaneswar.

.... Respondents.

Mr. P.K. Padhi, Advocate ... For Applicant.
Mr. Ganeswar Rath, Addl. Standing ..
Counsel (Central) For Respondents.

1. Whether reporters of local papers may be
allowed to see the judgment? Yes.
2. To be referred to the Reporters or not ? NO.
3. Whether Their Lordships wish to see the
fair copy of the judgment ? Yes.

III



C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN.

A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

J U D G M E N T

K.P. ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant seeks to make out a grievance for the inordinate delay caused in the disposal of the disciplinary proceeding and also prays for consequential reliefs.

2. Shortly stated, the case of the applicant is that he was appointed and employed in the office of the Accountant General (Accounts and Entitlement) as Lower Division Clerk from 17.7.1971 and was subsequently promoted as an Auditor since April, 1977. In course of his employment, disciplinary proceeding is said to have been initiated against the applicant as long back as 24.9. 1979. The said disciplinary proceeding not having been disposed of, the applicant prayed that either the disciplinary proceeding be quashed or the competent authority be directed to dispose of the proceeding without any further delay.

3. We have heard Mr. Ganeswar Rath, learned Additional Standing Counsel (Central) for the respondents and Mr. Padhi, learned counsel for the applicant at some length. The relevant file was produced before us and Mr. Rath, learned Addl. Standing Counsel

submits that in the meanwhile the entire proceeding has been disposed of and the result of the inquiry has been intimated to the applicant- a fact which was not disputed before us. Hence the prayer on this account has become infructuous.

4. The further prayer of the applicant is that he should be given his financial entitlement as per item Nos. 3,4 and 5 of his prayer. We are not in a position to decide this matter because we feel that the competent authority should first devote his attention to this aspect and finally pass orders which may subsequently become the subject matter of judicial scrutiny if the applicant is felt aggrieved. Therefore, the applicant is well advised to make an application before the competent authority praying for those reliefs, if he so desires.

5. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

Agreed 21-9-87.
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Member (Judicial)

B.R. PATEL, VICE CHAIRMAN, *I agree*

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Vice Chairman.

Central Administrative Tribunal,
Cuttack Bench.
September 21, 1987/ Roy.