

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 201 OF 1994

Date of decision: May 27, 1994

Prafulla Kumar Das

...

Applicant

Versus

Union of India & Others

...

Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *Ans*
2. Whether it be circulated to all the Benches of the *ND* Central Administrative Tribunals or not ?

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(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

27 MAY 94

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(K. P. ACHARYA)
VICE CHAIRMAN

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Prafulla Kumar Das	...	Applicant
Versus		
Union of India & Others	...	Respondents
For the Applicant	...	M/s. A.K.Mishra, S.K.Das, S.B.Jena, A.K.Guru, B.B.Acharya, J.Sengupta, Advocates.
For the Respondents	...	Mf. Ashok Mishra, Senior Standing Counsel (Central)

C O R A M:-

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN
A N D
THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

JUDGMENT

K.P. ACHARYA, V.C.

This case came up for admission today. Prayer of the Petitioner Shri Prafulla Kumar Das is to quash the departmental proceeding initiated against the Petitioner.

2. Succinctly stated, the case of the petitioner is that a departmental proceeding has been initiated against the petitioner on an allegation that while functioning as quasi judicial authority in disposing of certain appeals in the Customs and Excise Department, he had committed certain illegalities. A Departmental proceeding has been initiated against him since 1988. The said proceeding, not having been disposed of, the petitioner has filed this application with the aforesaid prayer.

3. We have heard Mr. S.B. Jena learned counsel appearing for the petitioner and Mr. Ashok Misra, learned Senior Standing Counsel (Central). Mr. Mishra learned Senior Standing Counsel (Central) submitted that the enquiry report has been submitted and it is awaiting presidential orders. It is expected that the Presidential order will be passed very soon. Therefore, it was contended by Mr. Mishra that this application should be inlimine dismissed.

On the other hand Mr. Jena learned counsel appearing for the petitioner submitted with vehemence that the petitioner has been made to face the hazards of the enquiry since 1988 and has been running from Pillar to Post in order to sustain his livelihood because no pension is being given to the petitioner. and it was further submitted by Mr. Jena that though this Bench has passed orders earlier to dispose of the proceeding within a stipulated period, such directions have not been complied as yet. On that account atleast, the departmental proceeding should be quashed. It is absolutely true, that despite the orders passed by this Bench to dispose of the proceeding finally within a stipulated period, such observations have been complied more on the side of ~~the~~ breach than compliance. We would take a very serious view in this matter because the democle's sword should not be made to hang on the delinquent officer for eternity. It must reach its finality ^{soon}. Therefore, we would direct that the Opposite Parties

should take expeditious steps to obtain the presidential order and the proceeding should be finalised within 45 days from the date of receipt of a copy of the judgment failing which liberty is given to the petitioner to move this Bench again and the Bench would seriously consider quashing of the proceeding as the Bench does not want to make the democle's sword hang on the petitioner any further. We hope and trust, the Opposite Parties would take serious notice of this direction.

4. Registry is directed to send copies of the judgment directly to the Opposite Parties and a copy of the judgment be delivered to Mr. Ashok Mishra learned Senior Standing Counsel in order to enable him to make necessary communication with the Opposite Parties . A copy of this judgment be also delivered to Mr. Jena learned counsel appearing for the petitioner.

5. Thus, the application is accordingly disposed of. No costs.

1341/1
MEMBER(ADMINISTRATIVE)
27 MAY 94

27.5.94
VICE CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench/K.Mohanty/27.5.94.