

6

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH: CUTTACK

Original Application No. 519/99  
Cuttack this the 18th day of November/99

S.C. Sahoo

...

Applicant(s)

-VERSUS-

Union of India & Others

...

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? Yes
2. Whether it be circulated to all the Benches of  
the Central Administrative Tribunal or not ? NO

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN 18/11/99

18-11-99  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

X

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 519 OF 1999  
Cuttack this the 18th day of November, 1999

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

AND

THE HON'BLE SHRI G. NARASIMHAM, MEMBER (JUDICIAL)

...

Shri S.C.Sahoo, aged 42 years,  
S/o. Shri Harmohan Sahoo at present  
working as Asst. Director (XP) in the  
office of the Chief General Manager,  
Telecom., Orissa Circle, Bhubaneswar

...

Applicant

By the Advocates

...

M/s. Ganeswar Rath  
S.N. Mishra  
A.K. Panda  
S.R. Mohanty  
T.K. Praharaj

-Versus-

1. Union of India represented by  
Secretary, Department of  
Telecommunications, Sanchar  
Bhawan, New Delhi-110001
2. Chief General Manager, Telecommunications  
Orissa Circle, Bhubaneswar-751001

...

Respondents

By the Advocates

...

Mr. A.K. Bose,  
Sr. Standing Counsel  
(Central)

...

O R D E R

MR.G.NARASIMHAM, MEMBER (JUDICIAL): Applicant, serving as Assistant Director in the cadre of T.E.S. Group B in the Office of the Chief General Manager, Telecommunications, Orissa Circle, Bhubaneswar files this application under Section 19 of the Administrative Tribunals Act, 1985, for quashing the departmental charges framed against him under Annexure-A/1 and to direct Respondent No.2 to consider his case for promotion to the cadre of T.E.S. Group A with effect from the date his junior Shri L.D. Swain was promoted to the Divisional Engineer cadre with other consequential reliefs.

2. Respondents have not filed any counter. The matter was listed on 12.10.1999 on which date the learned Sr.Standing Counsel appearing for the respondents submitted that he would file counter by the end of the month. On his submission the matter was adjourned to 10.11.1999 for final disposal at the stage of admission on an understanding that rejoinder, if any, would be filed within one week of filing of counter. Because of cyclonic havoc no Advocate did turn up and the case was adjourned to 16.11.1999.

On 16.11.1999 no counter was filed. Shri Ganeswar Rath, learned counsel for the applicant submitted that he would be satisfied if this Bench would direct the Department to finalise the proceeding within a stipulated time limit and that as some of his juniors were given adhoc promotion the Department can be directed to give him adhoc promotion.

3. We have heard learned counsel for both sides. Though Shri Bose prayed for time to file counter, in view of submission of Shri Rath, we did not think it fit to await filing of counter, because, there is no dispute about pendency

of disciplinary proceeding against the applicant. Hence we heard both sides.

The disciplinary proceeding was initiated in Memo dated 26.11.1997 under Annexure-1. The applicant filed written statement on 19.12.1997, i.e. one year 11 months back. We therefore, direct Respondent No.2, viz., the Chief General Manager, Telecommunications, Orissa Circle, Bhubaneswar to finalise the disciplinary proceeding against the applicant, if not already done, within a period of 120 (hundred twenty) days from the date of receipt of this order, even if the applicant, without any justifiable reason does not cooperate.

It has been further submitted by Shri Rath, the learned counsel that some juniors to the applicant have been given adhoc promotion in the meanwhile under Annexure-7 dated 16.8.1999. Respondents are, therefore, directed to consider promotion of the applicant on adhoc basis in case any of his junior(s) have been so promoted pending disposal of the proceeding.

3. Thus the Original Application is disposed of as per directions made above, but without any order as to costs.

*Somnath Som*  
SOMNATH SOM  
VICE-CHAIRMAN  
18.11.99

*18-11-99*  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)