

CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

O.A. No. 608 of 2010

Dated : 05.12.2011

CORAM : THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)  
THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

Philip Pradhan,  
Qr. No.Type-II/3,  
Block-30, 2<sup>nd</sup> P&T Colony,  
Vani Vihar,  
Bhubaneswar,  
Dist-Khurda. ...Applicant  
(By Advocate S.K.Mishra)

Vs.

1. Chief General Manager,  
B.S.N.L., Telephone Department,  
Orissa Circle,  
Bhubaneswar PMG Square,  
Dist-Khurda.

2. Chief Engineer,  
(Civil) BSNL Civil Orissa Zone,  
Door Sancharan Bhavan,  
3<sup>rd</sup> Floor,  
Unit IX,  
Bhubaneswar,  
Dist-Khurda.

3. Senior Architect BSNL,  
Orissa Circle,  
Door Sanchar Bhawan

(3<sup>rd</sup> Floor), Room No.301,  
Bhubaneswar,  
Dist-Khurda. ....Respondents  
(By Advocate Shri R.N.Pal)

: O R D E R (ORAL) :

{C.R.MOHAPATRA, MEMBER (A) }

The Applicant a Telephonic Mechanic who was working as a Ferro Printer in the Office of Respondent No.3 (BSNL) suspended since 16.5.2088, has filed this O.A. with the following prayers :-

“(i) The Hon'ble Tribunal may be pleased to admit and allow this Original Application.

(ii) The Hon'ble Tribunal may be pleased to quash the Annexure-2.

(iii) And/or pass any other order/s may be deem fit and proper for ends of justice”

While filing the O.A. the Applicant had also prayed for interim relief i.e. to stay the Disciplinary Proceedings, but the same had not been allowed by this Tribunal. After completion of pleadings, the matter was taken up for hearing and it was heard on 18.11.2011. Today, the matter was finally heard. During the course of hearing the Learned Counsel for the Respondents revealed that the Inquiry Proceedings have already been completed and the Inquiry Officer has submitted his report. The Applicant also had participated in the Inquiry Proceedings. The same was not disputed by the Learned Counsel for the Applicant. However, it was pointed out by the Learned

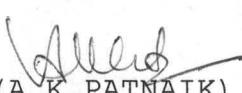
Counsel for the Applicant that the copy of the Inquiry Report has still not been received by him. He also submitted that though the charge sheet was issued three years back i.e. on 1.11.2008, the proceedings have still not been completed. Accordingly, he prayed for a direction for conclusion of proceedings within a stipulated period.

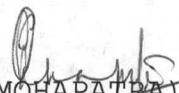
2. We have heard the Learned Counsel for the parties and perused the records. We find that the Disciplinary Proceedings were initiated against the Applicant for securing employment of Peon on ST quota by producing allegedly a false caste certificate. The Learned Counsel for the Applicant submitted that the authenticity of the caste certificate is required to be determined by the State Level Scrutiny Committee constituted by the State Government in pursuance of the orders of the Hon'ble Apex Court in the case of **Kum. Madhuri Patil and Anr. v. Addl. Commissioner, Tribunal Development and Ors.** {AIR 1995 SC 94}. However, it was pointed by the Learned Counsel for the Respondent that the Applicant having participated in the Inquiry Proceedings has to wait for the report of the Inquiry Officer, as well as, the orders of the Disciplinary Authority on the receipt of the Report of Inquiry Officer and reply of the Applicant submitted as defence brief to the Inquiry Officer's Report. In view of these

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developments which have not been brought on record by the Learned Counsel for the Applicant in the OA, we refrain from passing any order on the prayer of the Applicant. Against the above background the Learned Counsel for the Applicant submitted that he would be satisfied if the proceedings are completed expeditiously as more than 3 years is over since it started. Keeping in view the above submission of the Learned Counsel for Applicant we direct Respondent No.3 to complete the Disciplinary Proceedings within a reasonable time frame, at any rate, not exceeding four months from the date of receipt of copy of this order. We also direct that the applicant should co-operate in the finalisation of the proceedings within the aforesaid time period.

3. With the above observations and direction, this O.A. stands disposed of.

  
(A.K. PATNAIK)  
MEMBER (J)

  
(C.R. MOHAPATRA)  
MEMBER (A)

B.