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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00524 OF 2016
Cuttack, this the 1st day of August, 2016

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

.....
Bhabagrahi Mahananda,
aged about 49 years,
S/o-Sri Suba Mahananda,
Presently working as D.B.W (MCM) ,
Ordnance Factory, At/PO- Badmal,
PS- Saintala, Dist. Balangir.

.....Applicant

By the Advocate(s)-M/s S.K.Ojha, S.K.Nayak.

-Versus-

- Union of India, represented through**
1. Secretary to Government of India,
Ministry of Defence (Production Unit),
Defence Head Quarters, New Delhi-110011.
 2. The General Manager-cum-Disciplinary Authority,
Ordnance Factory, At/PO- Badmal,
Dist- Balangir- 767770.
 3. Sri J.A.R. Khan, Inquiry Officer,
Presently working as Joint General Manager,
Ordnance Factory, Badmal,
Dist- Balangir- 767770.

.....Respondents

By the Advocate(s)- Mr. A.C.Deo.

ORDER (Oral)

A.K.PATNAIK, MEMBER (J):

Heard Mr. S.K.Ojha, Ld. Counsel for the Applicant, and Mr. A.C.Deo, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs:



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“(i) To quash the Memorandum No. 1505/409/BGM/ DS/OFBL/12, dated 03.07.2012 (Annex. A/3) issued by the General Manager, Ordnance Factory, Badmal, Balangir (Resp. No.2) and inquiry conducted by the Respondent No.3 basing on the aforesaid Chargesheet holding that the same is illegal and arbitrary;

(ii) To declare the entire proceeding as illegal, arbitrary non est in the eye of law;

(iii) To extend the consequential relief to the applicant and pass any other order/orders as deemed fit and proper;

(iv) To allow this OA with costs.”

3. Mr. Ojha submitted that while the applicant was working as a Danger Building Worker, a disciplinary proceeding was initiated against him, a charge memo was issued on 03.07.2012 and he was placed under suspension, which was subsequently revoked. In pursuance of the appointment of the Inquiry Officer as well as Presenting Officer, the disciplinary proceedings continued and the P.O. submitted his written brief on 17.07.2015, which was forwarded to the applicant to make his written brief and against the same, the applicant has already submitted his written brief on 06.08.2015. However, after the inquiry was over, a letter under Annexure-A/8 was issued by the I.O. to the applicant to again give his written brief instead of sending the report to the Disciplinary Authority. Mr. Ojha submitted that the applicant himself has filed his written brief and the inquiry having been concluded instead of sending it to the Disciplinary Authority, the Inquiry Officer again asked the applicant to submit his written brief and, accordingly, a direction may be issued to Respondent No.2, i.e. the Disciplinary Authority, to conclude the disciplinary proceeding by making his own independent assessment after taking into account the Inquiry Report and the written brief, if any.

Wllb


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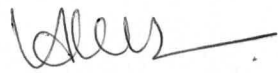
4. We are satisfied with such a submission made by Mr. Ojha as in our considered view completion of disciplinary proceedings when the charge memo was issued in the year 2012 and more so when the inquiry has already been completed will not prejudice the either of the sides. Accordingly, instead of keeping the matter pending, we dispose of this O.A. by directing Respondent No.2, i.e. General Manager-cum- Disciplinary Authority, Ordnance Factory, Badmal, to consider the Inquiry Report so furnished by the Inquiry Officer as well as defense statement, if any, and pass a final order as per rules within a period of two months from the date of receipt of a copy of this order.

5. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

6. On the prayer made by Mr. Ojha, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 2 by Speed Post for which he undertakes to file the postal requisites by 03.08.2016.

7. Free copy of this order be also given to Mr. A.C.Deo, Ld. Counsel for the Respondents.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)