

CENTRAL ADMINISTRATIVE TRIBNAL
ERNAKULAM BENCH

O.A.No.57/2005

Friday this the 4th day of November 2005.

CORAM:

**HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR.N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER**

P.Pavithran, Carpenter,
Integrated Fisheries Project, Kochi-16
residing at Valiyaparambil House,
Perandur, Elamakkara P.O., Kochi-26,
Ernakulam District.

Applicant

(By Advocate Shri P.A.Kumaran)

1. Union of India, represented by its Secretary,
Ministry of Agriculture, Department of Animal Husbandry and
Dairying, Krishi Bhavan, New Delhi.-1.
2. The Director, Integrated fisheries Project, Kochi-16.
3. Inquiring Authority, Refrigeration Engineer,
Integrated Fisheries Project, Kochi-16. Respondents

(By Advocate Shri Sunil Jose, ACGSC)

The application having been heard on 4.11.2005,
the Tribunal on the same day delivered the following:

O R D E R(Oral)

HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicant was placed under suspension under sub Rule 1 of the Rule 10 of the CCS(CA) Rules, 1965 and subsistence allowance was granted on 3.11.2000. Memo of charges was issued in 2001. The applicant denied the charges and made a representation on 6.7.2001 to increase the subsistence allowance and the same was increased to 65%. Enquiry Officer and Presenting officer were appointed on 24.7.2001. Notice for the preliminary hearing was issued by the enquiry officer and the preliminary hearing was conducted on 19.7.2004. Applicant has produced additional documents and witnesses. But the disciplinary proceedings have not yet

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been completed. Aggrieved by the inaction on the part of the respondents the applicant has filed this O.A. seeking the following reliefs:

- i. To quash Annexure A-1.
- ii. To declare that the applicant is entitled to be reinstated in service and to direct the respondent to reinstate the applicant in service forthwith.
- iii. To declare that the applicant is entitled for 75% Subsistence Allowance from 6 months from the date of suspension and direct the respondents to grant 75% Subsistence Allowance to the applicant and draw the arrears.

2. Mr. P.A.Kumaran, learned counsel appeared for the applicant and Shri Sunil Jose, ACGSC appeared for the respondents.

3. When the matter came up before the Bench we find that despite the fact that the memo of charges was issued on 23.2.2001 and for some or other reasons the disciplinary proceedings are prolonged. Leamed Counsel for the respondents submits that, since it is a case of which was occurred 4 years back, it is difficult for them to procure the relevant documents and therefore, the delay. However, we are not happy for the prolonged delay in completing the disciplinary proceedings despite the fact that the matters have reached at distant date.

4. When the matter was taken up today, learned counsel for the applicant submitted that the applicant would be satisfied, if a direction is given to the respondents to finalise the enquiry proceedings within a time frame.

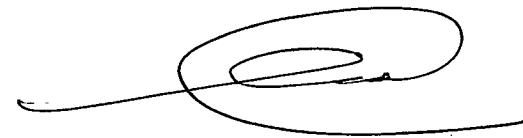
5. In the interest of justice, considering all aspects of the case, we direct the respondents to complete the disciplinary proceedings within a time frame of two months from the date of receipt of a copy of this order failing which the applicant is entitled for reinstatement automatically from that date.



6. O.A. is disposed of as above. In the circumstance, no order as to costs.

Dated the 4th November, 2005.

N.RK



N.RAMAKRISHNAN
ADMINISTRATIVE MEMBER

K.V.SACHIDANANDAN
JUDICIAL MEMBER

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