

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.170/2000

Wednesday this the 6th day of March, 2002.

CORAM

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

Thomas Joseph
S/o Mathai Joseph
Chargeman-I
Naval Armament Inspectorate
Aluva (presently under order of
compulsory retirement)
Residing at H.No.32/1903 A, Surabhi Road
Edappally P.O., Cochin.Applicant.

(By advocate Mr.P.Ramakrishnan)

Versus

1. Union of India rep. by
The Secretary
Ministry of Defence
New Delhi.
2. The Chief of Naval Staff
Naval Headquarters, New Delhi.
3. The Flag Officer, Commander in Chief
Southern Naval Command, Cochin.
4. The Chief Staff Officer (P&A)
Southern Naval Command, Cochin.
5. The Senior Inspector of Naval Armament
Naval Armament Inspectorate
Aluva.Respondents.

(By advocate Mr.C.Rajendran, SCGSC)

The application having been heard on 6th March, 2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant aggrieved by the action of the respondents in continuing the enquiry proceedings on the basis of A-2 memo of charges dated 10.11.98



and A-3 memo of charges dated 10.11.98 and A-1 communication dated 2.2.2000 directing the applicant to inspect the documents mentioned therein filed this Original Application seeking the following reliefs:

- i. To call for the records relating to A-1 to A-18 and quash A-1,A-2 and A-3 being illegal, arbitrary and violative of the Rules.
- ii. To direct the respondents to conduct the enquiry proceedings if any, in the manner in which it is prescribed in the Rules and to appoint an adhoc disciplinary authority from outside Navy.
- iii. To direct the respondents to immediately disburse the salary arrears and all other eligible allowances.
- iv. To issue such other appropriate orders or directions this Hon'ble Court may deem fit, just and proper in the circumstances of the case, and
- v. To award the costs of this Original Application.

2. When the OA came up for hearing on date, the learned counsel for the applicant submitted that the enquiry was in progress but since the last seven months the applicant had not heard anything about further proceedings of the enquiry and that he would be satisfied if a direction is given to the respondents to complete the enquiry proceedings within a specified time frame. Learned counsel for the respondents submitted that the enquiry proceedings have been completed and the enquiry reports in respect of the applicant have been forwarded to the Naval Headquarters on 11.2.02. He also submitted that there is no objection to accede to the request of the learned counsel for the applicant.

A handwritten signature in black ink, appearing to read "A. S." or "A. S. S." followed by a horizontal line.

3. The above statements are recorded and the OA is disposed of with a direction to the respondents to finalise the disciplinary proceedings as expeditiously as possible and in any case within a period of six months from today. No costs.

Dated 6th March, 2002.



K.V. SACHIDANANDAN
JUDICIAL MEMBER
aa.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

APPENDIX

Applicant's Annexures:

1. A-1: True copy of the letter No. PRR/TJ/INQ/99/1 dt. 2.2.2000 issued by the Inquiry Officer.
2. A-2: True copy of the Memorandum No. CS 2691/147 dt. 10.11.99 issued by the 4th respondent.
3. A-3: True copy of the Memorandum No. CS 2691/147/01 dt. 10.11.99 issued by the 4th respondent.
4. A-4: True copy of the letter dt. 10.12.98 submitted before 1st respondent.
5. A-5: True copy of letter dt. 19.8.98 submitted before 1st respondent.
6. A-6: True copy of letter dt. 8.8.98 submitted before 1st respondent.
7. A-7: True copy of Memorandum No. CHI/207 dt. 6.12.83 issued by the 4th respondent.
8. A-8: True copy of reply dt. 23.12.83 submitted before 4th respondent.
9. A-9: True copy of Memorandum No. CHI/207 dt. 24.1.84 issued by the 3rd respondent.
10. A-10: True copy of reply dt. 16.2.84 submitted before 4th respondent.
11. A-11: True copy of judgement dt. 9.11.87 in Original Application 14/86.
12. A-12: True copy of order CS 6001/43/139 dt. 26.5.98 issued by the 4th respondent.
13. A-13: True copy of order No. AYI/0105/C dt. 15.5.98 issued by the 4th respondent.
14. A-14: True copy of the order No. CS 6001/43/147 dt. 27.5.98 issued by the 4th respondent.
15. A-15: True copy of order No. CS 2691/147 dt. 22.9.98 issued by the 3rd respondent.
16. A-16: True copy of order No. CS 2691/147 dt. 10.11.98 issued by the 4th respondent.
17. A-17: True copy of order No. CS 2691/147 dt. 14.10.99 issued by the 4th respondent.
18. A-18: True copy of the order No. CP(NG)3231/PC-103 dt. 15.10.99 issued by the 2nd respondent.

Respondents' Annexures:

1. R-4A: Photo copy of the order No. 158/CC/D(LAB)/2000 dt. 29.5.2000.

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7.3.02