

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY-400 614

Original Application No. 125/87

Shri S.V.Iyer,
Bhadge's Bungalow,
Basant Bahar Society,
Kathi Gally,
Near Dwaraka Hotel,
Nasik - 422 001.

.. Applicant.

v/s

1. Union of India,
2. The Accountant General (A and E)
Maharashtra, Nagpur.
3. The Deputy Accountant General (Administration)
from the office of the Accountant General (A-E)
II, Maharashtra, Nagpur 440 001. .. Respondents.

Coram: Hon'ble Vice Chairman B.C.Gadgil.

, Hon'ble Member (A) J.G.Rajadhyaksha.

Appearances:

1. Mr.V.G.Rege for the
applicant.
2. Mr.S.R.Atre (for Mr.P.M.Pradhan)
for the respondents.

ORAL JUDGMENT

Dated: 3.12.1987.

(PER: B.C.GADGIL)

1. The applicant who is employed in Accountant General's office has a grievance about unnecessary prolonging of the pendency of the departmental enquiry and consequent denial of (i) confirmation in the post of Divisional Accountant, (ii) crossing of Efficiency Bar in 1980 and (iii) promotion to the higher post in 1985. This matter can be decided by a short order particularly in the background of the following facts.
- 2) A departmental enquiry was initiated against the applicant in 1979. One more enquiry was started in 1984. These enquiries have not made any progress and they are still pending.

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The grievance of the applicant is that his confirmation in the post of Divisional Accountant has been withheld on account of these inquiries. Not only that, no decision has been taken about allowing him to cross E.B. in 1980. Similarly he was not promoted in 1985 to the higher post though his juniors were promoted.

3. It is alleged that all this has happened on account of the above mentioned departmental enquiries and that the tribunal should pass certain equitable orders to do justice to the applicant. The respondents have filed their reply to the application. It is not necessary to mention the details of that reply as we do intend to pass some workable order, which would be in the interest of both the parties.

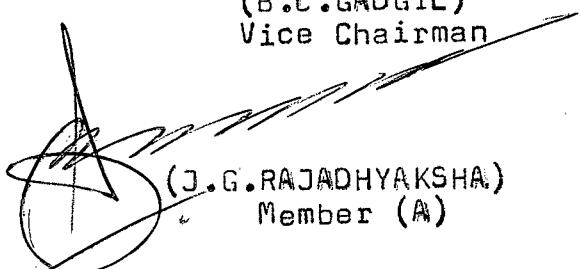
4. The fact that two departmental enquiries were started in 1979 and in 1984-85 respectively is not disputed. Mr. Atre submitted that some of the relevant record is not available for being produced in the enquiry as the said record is with the State Government of Maharashtra and with the CBI. We are at a loss to know as to how the Department can say that the record is not available when it is actually with the State Government and the CBI. Mr. Atre also submitted that there would be some difficulty for the respondents to supply copies of various original documents and to produce them during the enquiry. In our opinion, that difficulty can be easily solved if the respondents supply certified xerox copies of the original documents to the applicant and also produce such copies in the enquiry. Such copies should be supplied to the applicant before 31.1.1988. We feel that the respondents should be directed to complete the departmental enquiry within a period of five months and that in case such enquiry was not completed certain provisional order should be passed regarding confirmation, efficiency bar and promotion to the higher post. Hence

we pass the following orders:

- 1) Respondents are directed to finally complete the departmental enquiries against the applicant before 30.4.1988. By this order we mean not only that the enquiry should be completed but the final order should be passed by the Disciplinary Authority before that date.
- 2) It is further directed that in case the enquiries are not so completed before 30.4.1988, the applicant's case should be considered for (i) confirmation in the post of Divisional Accountant (ii) crossing of E.B.s as in 1980 and (iii) for promotion to the higher post when he was due from 1985.
- 3) While making such consideration the fact that the departmental enquiries are pending against the applicant should be ignored and appropriate order should be passed. Of course, these orders would be provisional and they are subject to alteration or modification in case the applicant unfortunately fails in the departmental inquiries.
- 4) Parties to bear their own costs of this application.



(B.C.GADGIL)
Vice Chairman



(J.G.RAJADHYAKSHA)
Member (A)