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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.526/89.

Shri B.M.Mehandale. ... Applicant.

V/s.

Union of India. ... Respondent.

Coram: Hon'ble Member(J), Shri M.B.Mujumdar,
Hon'ble Member(A), Shri M.Y.Priolkar.

Appearances:-

Applicant in person.
Mr.R.C.Kotiankar for
the respondents.

Oral Judgment:-

¶ Per Shri M.B.Mujumdar, Member(J) ¶ Dated: 23.1.1990.

The applicant who was working as Inspector of Central Excise, Pune IV Division was placed under suspension by order dt. 23.5.1985 as some departmental inquiry was contemplated against him. Along with memorandum dt. 7.5.1987 a statement containing 3 articles of charge was served on him, The charges are regarding some mis-conduct alleged to have been committed by him in 1982, while he was functioning as Inspector of Central Excise Range No.II Ichalkaranji under Sangli Division. After the memorandum was served, the suspension was revoked by order dt. 25.11.1987. We are told by the applicant as well as Mr.Kotiankar, advocate who appears for the respondents, ^{now} the ~~the~~ inquiry is over, but inquiry officer has not yet ^{now} submitted his report. According to Mr.Kotiankar about 24 Officers including the applicant are involved in these departmental inquiries though the inquiries are being held against each Officer separately.

2. We are told by Mr.Kotiankar that the case of the applicant was considered by the departmental promotion committee in its meeting held in May, 1989 for recommending names for the higher post of Superintendent

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of Central Excise. However, in view of the pending departmental inquiry, the DPC has followed Sealed Cover Procedure.


3. The applicant has filed this Application praying, (1) to treat the suspension from 23.11.1985 to 24.11.1987 as invalid and to treat that period as duty period, (2) to quash the charge sheet and the departmental inquiry, (3) to direct the respondents to grant immediate promotion to the applicant, at least on ad hoc basis and if he is not promoted, stay the promotion of his juniors.

4. We feel that the purpose of this application will be served if we direct the respondents to complete the inquiry pending against the applicant and pass final orders within some period. In view of the facts narrated earlier we are not inclined to admit the application because it is premature.

5. In result we pass the following order:

ORDER

- (1) The respondents are directed to complete the departmental inquiry initiated against the applicant by the memorandum dt. 7.5.1987 and to pass final orders therein, as far as possible within 4 months from the date of receipt of a copy of this order. With this direction the application is rejected.
- (2) Needless to say that if the applicant feels aggrieved by the final order that would be passed by the departmental proceedings, he will be at liberty to approach this Tribunal by way of a fresh application after exhausting the departmental remedies available to him.
- (3) There will be no order as to costs.


(M.Y. PRIOLKAR)
MEMBER(A)


(M.B. MUJUMDAR)
MEMBER(J).