

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

ORIGINAL APPLICATION NO: 643/99

DATE OF DECISION: 14/8/2000

Shri A.R.Patil

Applicant.

Shri G.S.Walia

-----Advocate for  
Applicant.

Versus

Union of India & Anr.

-----Respondents.

Shri V.S.Masurkar

-----Advocate for  
Respondents.

**CORAM:**

Hon'ble Shri D.S.Baweja, Member(A)

Hon'ble Shri S.L.Jain, Member(J)

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal?
3. Library.

(D.S.BAWEJA)  
MEMBER(A)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NO:643/99.  
DATED THE 14TH DAY OF AUGUST,2000.

CORAM: HON'BLE SHRI D.S. BAWEJA, MEMBER(A)  
HON'BLE SHRI S.L. JAIN, MEMBER(J)

A.R.Patil,  
Working as  
Junior Telecom Officer,  
(Trunk),  
Jalgazon 425 001  
Maharashtra ... Applicant

By Advocate Shri G.S.Walia

V/S.

1. Union of India, through  
Chief General Manager,  
Telecom,  
GPO Building,  
Bombay - 400 001.

2. General Manager (Telecom),  
Jalgaon - 425 --1.

### ... Respondents

By Advocate Shri V.S.Masurkar

**(ORDER) (ORAL)**

Per Shri D.S.Baweja, Member (A).

The Applicant was issued a chargesheet dated 27/4/1995 against which the applicant submitted a representation dated 27/4/95 denying the charges. Enquiry Officer was appointed on 12/5/1995. Thereafter till now the enquiry has not been completed. The case of the applicant is that since the enquiry has not been completed after a period of more than four years and that the applicant has been denied promotion for which he had become due in 1996 when his juniors were promoted. The applicant has filed this OA on 6/7/1999 seeking the following reliefs:-

a) to set aside charge sheet dated 27/4/95.

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b) to direct the respondents to promote the applicant to the post of Sub-Divisional Engineer with retrospective effect from the date his immediate junior was promoted with all consequential reliefs.

2. The respondents have filed written statement. Respondents have explained the delay in on account of change of Inquiry Officers on account of their retirement. The respondents also contend that the Tribunal need not interfere at the interlocutory stage to quash the charge sheet.

3. Heard the arguments of Shri G.S.Walia and Shri V.S.Masurkar, Learned counsel for Applicant and Respondents. Without going into the merits of the case, the learned counsel for the applicant made a submission that the applicant will be satisfied if the respondents are directed to complete the enquiry within a laid down time schedule and in case the enquiry is not completed within the laid down period, then the applicant should be promoted.

4. Counsel for respondents fairly agreed to this proposal and stated that applicant will be considered for promotion in terms of order of 14/2/92 of Department of Personnel & Training (DOPT).

5. In view of the above, the OA is disposed of with a direction to the respondents to complete the disciplinary proceedings within a period of six months from today. In case

(Q)

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the disciplinary proceedings are not completed within this period, the applicant will be considered for promotion in terms of OM dated 14/2/92. This promotion would be without any prejudice to the regular promotion as per extant rules on the conclusion of disciplinary proceedings. All contentions on merits are also left open. No orders as to costs.

*S.L.JAIN*  
(S.L.JAIN)  
MEMBER(J)

*D.S.BAWEJA*  
(D.S.BAWEJA)  
MEMBER(A)

abp.