

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.850/2001.

Wednesday, this the 31st day of July, 2002.

Hon'ble Shri Justice Birendra Dikshit, Vice-Chairman,
Hon'ble Smt. Shanta Shastry, Member (A).

Mohanbhai Zinabhai Ahir,
Unarmed Police Constable,
B.No.86,
At Police Station,
Silvassa,
Pin Code - 396 230.
(By Advocate Shri S.P.Inamdar)

...Applicant.

v.

1. Union of India, through
The Secretary,
Ministry of Home Affairs,
Central Secretariat,
North Block,
New Delhi.
2. The Administrator,
Union Territory of
Dadra & Nagar Haveli,
Circuit House,
Silvassa - 396 230.
3. The Asstt. Inspector General of Police,
Dadra & Nagar Haveli, (U.T.),
P.O. : Silvassa - 396 230.
(By Advocate Shri V.S.Masurkar)

...Respondents.

: ORDER (ORAL) :

Smt. Shanta Shastry, Member (A).

The prayer made in this OA by the applicant who was initially appointed as an Unarmed Police Constable and continues to be so, is to give a direction to the respondents to pass the final orders within four to six weeks on the departmental enquiry initiated against him and completed in August, 1994 and to pay the applicant arrears of difference in Annual Increments as per entitlement. Further to declare that the applicant is

....2.

entitled to get notional promotion to the next higher post of Head Constable from the date his junior was promoted. Applicant has also prayed to quash and set aside the departmental enquiry.

2. The applicant was suspended on 15.3.1990 and a departmental enquiry was ordered against him on 14.9.1990. The suspension order was revoked on 12.7.1991. According to the applicant, the departmental enquiry was completed in August, 1994, both the Presenting Officer and the Applicant submitted their written briefs on 17.11.1992 and 13.12.1994 respectively. The grievance of the applicant is that, although a period of more than 7 years ^{is} ~~was~~ over thereafter, the enquiry has not been finalised till date.

3. There was some doubt about whether the enquiry had actually been initiated against the applicant. He was asked to produce proof of the same. Accordingly, applicant has filed M.P. No.567/2002 producing a copy of the charge sheet issued on 14.9.1990 and the briefs presented by the Presenting Officer and by the applicant himself.

4. The Learned Counsel for the applicant submits that the Respondents have taken unduly long time to finalise the enquiry and he is suffering because his juniors have been promoted, whereas he continues to be in his old post. He therefore, requests that a direction may be given to the Respondents to finalise the enquiry expeditiously within a specified period of time, failing which the disciplinary proceedings may be treated as abated. The applicant also submits that although his suspension has been revoked no orders have been issued regarding

treating of the suspension period. His increments are withheld and therefore, there is urgent need to finalise the enquiry.

5. The Learned Counsel for the Respondents submits that the Enquiry Officer has not submitted the enquiry report so far. In our considered view, it is nearly eight years since the enquiry was completed and therefore, it amounts to harassment of the applicant. We, therefore, direct that the entire enquiry proceedings and the final orders shall be completed ^{passed by} within a period of three months from the date of receipt of a copy of this order. The OA is disposed of accordingly. No costs.

Shanta I.

(SHANTA SHASTRY)
MEMBER(A)

B. Dikshit

(BIRENDRA DIKSHIT)
VICE-CHAIRMAN

B.