

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 13 SEP 1988

APPLICATION NO. 982 / 88(F)

W.P. NO. _____

Applicant(s)

Shri Mohd. Athaula
To

Respondent(s)

V/s

The Commandant, Station Headquarters,
Cubbon Road, Bangalore & another

1. Shri Mohd. Athaula
Gardner/Safaiwala
Depot Bn., MEG & Centre
Bangalore - 560 042
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050
3. The Commandant
Station Headquarters
Cubbon Road
Bangalore - 560 001
4. The Commandant
MEG & Centre
Bangalore - 560 042
5. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/~~INTERIM ORDER~~
passed by this Tribunal in the above said application(s) on 7-9-88.

Encl : As above

Handwritten signature
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 7TH DAY OF SEPTEMBER, 1988

Present | Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
| Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 982/88

Shri Mohd. Athaulla,
S/o Late Md. Mustafa,
Gardner/Safaiwala,
MEG & Centre,
Bangalore.

... Applicant.

(Shri M. Raghavendrachar, Advocate)

v.

1. The Commandant,
Station Head Quarters,
Cubbon Road, B'lore.

2. Commandant,
MEG & Centre,
Bangalore.

... Respondents.

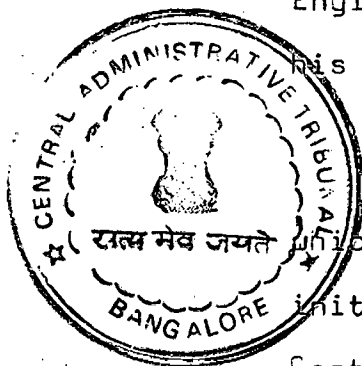
(Shri M. Vasudeva Rao, C.G.S.S.C.)

This application having come up for hearing to-day,
Vice-Chairman made the following:

ORDER

In this application made under Section 19 of the
Administrative Tribunals Act, 1985 ('Act'), the applicant
has challenged order No. SSO-114/C/14/Q4DB dated 12.2.88
(Annexure E) made by the QM, Depot Battalion, Madras
Engineer Group & Centre (QM) in so far as it had withheld
his increments.

2. For certain periods of service the details of
which are not necessary to notice, disciplinary proceedings
initiated against the applicant under Rule 14 of the
Central Civil Services (Classification, Control & Appeal)
Rules, 1965 are still pending. But notwithstanding the



same, the applicant claimed for sanctioning his future increments and to complete the disciplinary proceedings with expedition. The Q.M. has rejected the former. Hence this application.

3. In his reply, the respondents has resisted this application.

4. Shri M.R. Achar, learned counsel for the applicant, contends that the future increments of his client were in no way related to the disciplinary proceedings initiated against him and there was no justification for withholding them at all.

5. Shri M. Vasudeva Rao, learned Additional Central Government Standing Counsel, appearing for the respondents contends that till the disciplinary proceedings were completed, the claim of the applicant for future increments cannot be considered and granted.

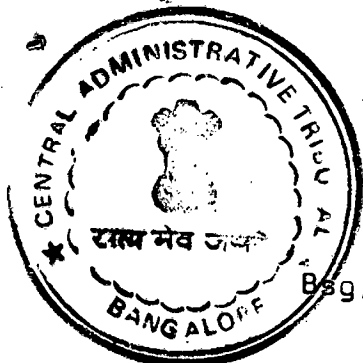
6. In the impugned order, the competent authority has declined to consider the case of the applicant for increments till the disciplinary proceedings initiated against him under Rule 14 of the CCS (CC&A), Rules, 1965 is completed and his unauthorised absence regularised. Before the completion of those proceedings it would be somewhat odd for the authority to grant all such increments as are due to the applicant. We are of the view that the reason on which the authority had withheld the future increments is sound and legal. We see no reason/justification to interfere with the order made by the Q.M.

7. We find that the disciplinary proceedings initiated as early as in 1985 has not so far been completed.

Whenever disciplinary proceedings are initiated it is proper for the authorities to complete them with all such expedition as is possible in the circumstances. We are of the view that having regard to all the facts and circumstances, it is proper to direct the respondents to complete the disciplinary proceedings with expedition and in any event within six months.

8. In the light of our above discussion, we direct the respondents to complete the disciplinary proceedings initiated against the applicant with all such expedition as is possible in the circumstances of the case and in any event within six months from the date of receipt of this order and then decide the claim of the applicant for increments with expedition.

9. Application is disposed of in the above terms. But, in the circumstance, we direct the parties to bear their own costs.



sd/-
VICE-CHAIRMAN 7/1/88

sd/-
MEMBER (A) 7.1.88

Bsg/Mrv.

TRUE COPY

[Signature]
DEPUTY REGISTRAR (JDL) 15/1/88
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 13 SEP 1988

APPLICATION NO. 982 / 88(F)

W.P. NO. _____

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Shri Mohd. Athaula

To

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Depot Bn., MEG & Centre
Bangalore - 560 042
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050
3. The Commandant
Station Headquarters
Cubbon Road
Bangalore - 560 001

Respondent(s)

V/s

The Commandant, Station Headquarters,
Cubbon Road, Bangalore & another

4. The Commandant
MEG & Centre
Bangalore - 560 042
5. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

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passed by this Tribunal in the above said application(s) on 7-9-88.

Encl : As above


DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 7TH DAY OF SEPTEMBER, 1988

Present | Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
| Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 982/88

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S/o Late Md. Mustafa,
Gardner/Safaiwala,
MEG & Centre,
Bangalore.

... Applicant.

(Shri M. Raghavendrachar, Advocate)

v.

1. The Commandant,
Station Head Quarters,
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2. Commandant,
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sdl-
VICE-CHAIRMAN 7/1/88

sdl-
MEMBER (A) No. 1988

TRUE COPY

Bsg/Mrv.

[Signature]
DEPUTY REGISTRAR (JDL) 13/9
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : **11 APR 1989**

IA I IN APPLICATION NO (S) 982 / 88(F)
W.P. NO (S) _____

Applicant (s)

Respondent (s)

Shri Mohd. Athaula

V/s

The Commandant, Station Headquarters,
Cubbon Road, Bangalore & another

To

1. Shri Mohd. Athaula
C/o Shri M. Raghavendra Achar
Advocate
1074-1075, 4th Cross
Banashankari I Stage
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Bangalore - 560 050

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Please find enclosed herewith a copy of ORDER ~~STAY/INTERIM ORDER~~
passed by this Tribunal in the above said application (s) on 6-4-89.

Assured
K. M. M.
11-4-89

ok
Praveen Choudhary
DEPUTY REGISTRAR
(JUDICIAL)

**In the Central Administrative
Tribunal Bangalore Bench,
Bangalore**

Mohd. Athulla

v/s **A 982/88**

The Commandant, Station HQ,
Bangalore & another

M. Raghavendra Achar

Order Sheet (contd)

M. Vasudeva Rao

| Date | Office Notes | Orders of Tribunal |
|------|--------------|--------------------|
|------|--------------|--------------------|

VC/LHAR
6-4-1989

ORDERS ON I.A.I - APPLICATION
FOR EXTENSION OF TIME

In this application, the respondents have sought for extension of time by another 3 months. I.A.I is ~~not~~ opposed by the applicant.

have
We heard both sides. We are satisfied that the facts and circumstances stated in I.A.I justifies us to grant 3 months' extension. We therefore allow I.A.I and extend ~~time by another three months from today~~ *3 months* for complying with our order made on 7th Sepr. 1988.



Sd/-

Sd/-

VICE CHAIRMAN

MEMBER (A)

TRUE COPY

R. Venkatesh
DEPUTY REGISTRAR (JD) *14/4/89*
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE