

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 1323/92

~~Transferred Application No: 1323/92~~

DATE OF DECISION 26.3.93

Shri P.D. Pandit Petitioner

Shri M.D. Lonkar Advocate for the Petitioners

Versus

Union of India and others Respondent

Shri A.I. Bhatkar for Advocate for the Respondent(s)
Mr. M.I. Sethna.

CORAM:

The Hon'ble Shri M.Y. Priolkar, Member (A)

The Hon'ble Shri V.D. Deshmukh, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Y*
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

My
h/s
(M.Y. Priolkar)
Member (A)

NS/

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(1)

Original Application No. 1323/92

Shri P.D. Pandit

... Applicant.

V/s.

Union of India through
Ministry of Finance,
North Block
New Delhi.

Collector of Central Excise
Bombay,
Central Excise Building
M.K. Road, Opp. Churchgate,
Bombay.

... Respondents.

CORAM: Hon'ble Shri M.Y. Priolkar, Member (A)

Hon'ble Shri V.D. Deshmukh, Member (J)

Appearance:

Shri M.D. Lonkar, counsel
for the applicant.

Shri A.I. Bhatkar for Mr.
M.I. Sethna, counsel for
the respondents.

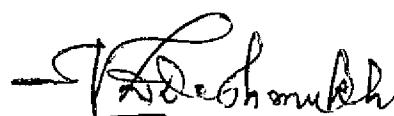
ORAL JUDGEMENT

Dated: 26.3.93

¶ Per Shri M.Y. Priolkar, M(A) ¶

The applicant in this case was proceeded against departmentally on 6.6.88 on the charge of giving some undue benefits to a private party with corresponding loss to Government revenue. The applicant has since retired on 30.6.89. Learned counsel for the applicant states that the Enquiry Officer has submitted his report on 3.3.90 but no decision has still been taken by the disciplinary authority on the Enquiry Officer's report. The grievance of the applicant is that his gratuity of about Rs. 51,353/- is being withheld pending finalisation of these proceedings. Commutation of pension has also been withheld. The learned counsel for the respondents was asked to file the reply on 4.1.93 within four weeks and also given further time on 15.2.93 for filing reply. But he again prays for further time today to file the reply. According to him, the delay in

finalising the proceedings is because of the requirement of consultation with UPSC, obtaining the President's sanction etc. It is seen from the Enquiry Officer's report annexed to the application that the applicant has been exonerated by the Enquiry Officer of all the charges framed against him. In the circumstances, we do not find any justification for the delay of almost three years in taking a decision in the departmental proceedings even after the Enquiry Officer's report is available. In our view, this application can therefore be disposed of finally at this stage by only giving a direction to the respondents to take a final decision on the Enquiry Officer's report which is stated to be pending with the disciplinary authority since August 1990, within a specified time. Accordingly we direct the respondents to take a final decision on the report of the Enquiry Officer within a period of three months from the date of receipt of this order. With this direction, this application is disposed of. Needless to say that if the applicant is still aggrieved with the final order of the disciplinary authority, he will be at liberty to approach this Tribunal again in accordance with law, after exhausting the appeal procedure.



(V.D. Deshmukh)
Member (J)



(M.Y. Priolkar)
Member (A)

NS