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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 92/92
R.A. NO: 92

199

DATE OF DECISION 16.10.92

Shri R.C.Rao

Petitioner

Shri G.S.Walia

Advocate for the Petitioners

Versus

Union of India and others Respondent

Shri Suresh Leumer for Shri M.I. Sethna Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K. Dhaon. Vice Chairman

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

1. Whether Reporters of local papers may be allowed to see the Judgement ?
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 ?

S.K.
(S. K. DHAON)
VICE CHAIRMAN.

mbm*

(S)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 92/92

Shri R.C. Rao

... Applicant.

V/s.

Union of India through
Ministry of Communications
Department of Communications
Dak Tar Bhavan, Sansad Marg.,
New Delhi-110001.

Chief General Manager
Department of Communication
G.P.O. Bombay.

Chief General Manager,
Telephone House,
Mahanagar Telephone Nigam Ltd.
Prabhadevi, Dadar, Bombay.

... Respondents.

CORAM: Hon'ble Shri Justice S.K. Dhaon, Vice Chairman
Hon'ble Shri M.Y. Priolkar, Member (A)

Appearance:

Shri G.S. Walia, Counsel for
the applicant.

Shri Suresh Leumer for Shri
M.I. Sethna, counsel for the
respondents.

ORAL JUDGEMENT

Dated: 16.10.92

(Per Shri S.K. Dhaon, Vice Chairman)

In an appeal preferred by the applicant, the President, on 7.10.88, directed that a fresh disciplinary proceedings may be initiated against the applicant by the competent authority. The principal prayer made in this application is that fresh proceeding may be quashed as inordinate delay has taken place at the end of the disciplinary authority.

This Tribunal on 12.2.92 directed that the respondents shall complete the enquiry within three months and promote the applicant, without prejudice, to the post of Assistant Telecom Engineer. The enquiry not having been completed within the time specified, this Tribunal, on 22.4.92, gave a fresh direction that the enquiry shall be completed within three months.

(a)

A reply has been filed on behalf of the respondents in the miscellaneous petition filed by the applicant. In that, it is avered that the Enquiry Officer submitted his report and final orders are yet to be passed by the disciplinary authority. It is also avered that in the meanwhile the applicant has been promoted. There can be no escape from the conclusion that the orders passed by this Tribunal on 12.2.92 and 22.4.92 have still remained non-complied with. This Tribunal had clearly directed that the disciplinary proceedings should come to an end and not that the Enquiry Officer should submit his report within the specified time.

Shri Walia states that as another promotion has now became due to the applicant, he insists that we should pass suitable order to safe guard his interest. The request appears to be reasonable. We feel that no useful purpose will be served in ~~retaining~~ ^{retaining} reserving this application with us. The disciplinary authority may now take its own time in giving its decision. We accordingly direct that the authority concerned shall consider the case of the applicant for promotion as Divisional Engineer, if he is otherwise fit for promotion. If the applicant is found to be fit and if he is promoted, his promotion shall be subject to the final decision of the punishing authority in the disciplinary proceedings. The authority concerned shall take a decision regarding further promotion of the applicant within a period of two months from today.

With these directions this application is disposed off finally. There shall be no order as to costs.


(M.Y. PRIOLKAR)
MEMBER(A)


(S.K. DHAON)
VICE CHAIRMAN