CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(7)

Original Application No. 354/92

Shri Pandurang J. Malvankar ... Applicant

Original Application No. 362/92

Shri P.L. Rane. ... Applicant

Original Application No. 358/92

Shri G.P. Gowas ... Applicant

Original Application No. 361/92

Shri S.N. Bettkekar ... Applicant

V/s

Government of Goa represented by its Chief Secretary having his office at Secretariat, Panaji.

2. The Development Commissioner, Govt. of Goa, having his office at Secretariat, Panaji - Goa.

3. The Chief Electrical Engineer, Govt. of Goa, having his office at Vidyut Bhavan, Panaji - Goa. ... Respondents.

CORAM: Hon'ble Ms. Usha Savara, Member (A)
Hon'ble Shri J.P. Sharma, Member(J)

Appearance

Mr. R.R. Sangodkar, Adv.
for the applicant.

JUDGEMENT Dated: 24/6/92

Per Shri J.P. Sharma, Member (J)

The grievance and the fact of these applications are the same and hence these applications are disposed of by giving common judgement. The applicant in this case is agrieved by non disposal by a speaking order of the Disciplinary proceedings pending before Disciplinary authority which was ordered by the Appellate authority i.e. The Development Commissioner, Government of Goa, the respondent No.2 by communication dated 14.1.1991 to conclude disciplinary proceedings within a period of one month.

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The applicant has prayed that all the proceedings before the Disciplinary authority be quashed and the respondents be directed to take the applicant back in service immediately with all benefits with retrospective effect and further the directions be issued to respondents to pay all dues of arrears of pay increments and all allowances and other benefits as admissible under law.

2. These Original Applications were listed for admission. We heard learned counsel for the applicant Shri R.R. Sangodkar at length. The facts of the case are, that the applicants were employees in the office of Chief Electrical Engineer. The respondents initiated disciplinary proceedings against them on the basis of the Internal Inspection Unit report dated 28.1.1980. The applicants were served with a charge sheet and inquiry was conducted against them, the Enquiry office has submitted his report giving findings of guilty of the charges framed against the applicants, and the same was forwarded to the Disciplinary authority, who imposed penalty of dismissal by the order dated 19.10.88 from the government service. The applicants has preferred an appeal to the Appellate authority, and the same was rejected vide order dated 31.5.1989. The applicants had challenged the order of disciplinary authority as well as appellate authority in O.A. No. 256/90 which was decided on 12.9.1990 by the following order :-

The Tribunal's order

> " Accordingly, we quash Exhibit-I order of the appellate authority and remand the matter to the appellate authority for a denovo consideration of the case in the light of the observations made above and the evidence available in this case. The appellate authority shall consider the case and pass final orders as indicated above within a period of three months from

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the date of receipt of a copy of this judgement. we also direct the appellate authority to give an opportunity of being heard to the applicant before passing final orders in terms of our directions. The application is allowed to the extent indicated above. There will be no order as to costs."

3. The grievance of the applicants is that, the Appellate authority after receipt of this judgement gave them separate show cause notices as to why the order of the D.A. be not confirmed to which the applicants filed the reply.

4. The appellate authority remitted the matter to the disciplinary authority to consider afresh whole of the matter and decide the same within one month.

5. The matter has not been decided by the Disciplinary authority though one month period has already lapsed, hence in such a circumstances the applicants prayed, that the whole of the proceeding be quashed and they be reinstated.

6. As per direction issued by the Tribunal in the judgement, as said above, the appellate authority was in its right under Rule 27 of CCS(CCA) Rules 1965 to remit the case to the Disciplinary authority for further consideration. As such the appellate authority has not committed any error or irregularity in passing such direction to the Disciplinary authority. Time is not an essence in such cases. The Administrative matters on such facts and events are time consuming. Thus, we find that, the present applicant is premature and this Tribunal cannot sit in judgement over the judgement already delivered in OA 256/90 by the order dated 12.9.1990. The direction passed in that judgement are under consideration of the respondents and are pending before the disciplinary authority. The learned counsel for the applicant therefore, desires that the

disciplinary authority should be directed to finalise the matter at the earliest.

7. In view of the above facts and circumstances of the case, this application is disposed of at the admission stage itself with the direction to the respondsnts. Development Commissioner of Goa should direct the Disciplinary authority to dispose of and finalise the di[illegible]nary proceedings aginst the applicants preferably within three months from the date of receipt of this order. A copy of the judgement be placed on each file.