

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

2

O.A. NO: 411/92

199

T.A. NO:

DATE OF DECISION 2.7.92

Shri K.L. Kaushal

Petitioner

Shri S.P. Saxena

Advocate for the Petitioners

Versus

Union of India

Respondent

Shri R.K. Shetty


Advocate for the Respondent(s)

CORAM:

The Hon'ble ~~Mr.~~ Ms. Usha Savara, Member(A)

The Hon'ble Mr. J.P. Sharma, Member(J)

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 ?


(J.P. Sharma)
Member(J)

mbm*

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
BOMBAY

Original Application No.411/92

Shri K.L.Kaushal

...

Applicant

vs

1. Union of India through
The Secretary
Ministry of Defence, DHQ P.O.
South Block, New Delhi 110-011

2. The Engineer-in-Chief
Kashmir House
New Delhi 110-001

3. The Chief Engineer
Southern Command
Poona-411-001

4. The Chief Engineer
Ahmedabad Zone
Ahmedabad-380-003

...

Respondents.

Coram: Hon'ble Ms. U.Savara, Member(A)
Hon'ble Mr. J.P.Sharma, Member(J)

Presence: Mr. S.P.Saxena for the applicant

Mr.Shetty for respondent. Dated: 2-7-92

Tribunal's Order

(Per: Hon'ble Mr. J.P.Sharma, M(J))

is

The applicant / Barrack Stores Officer in the M.E.S. has challenged the order dated 15-7-1991 (Annexure A-1) issued by the administration on behalf of Chief Engineer, Ahmedabad Zone informing the applicant that the case of the applicant is under consideration by the Govt. of India. He has also challenged the memo dated 12th May 1989 whereby an enquiry was ordered under Rule 14 of the CCS CCA Rules 1965. The applicant in this application under Section 19 filed this application on 20th April 92 and prayed for the relief and directions may be issued to the respondent to take their decision on the Disciplinary Authority in the matter in about 6 weeks period, with the consequential reliefs of granting withheld annual increments retrospectively. To consider the case of applicant for promotion to the post of Sr.B.S.O.

Notice was accepted by Mr. R.K.Shetty on behalf of the respondents. On the earlier date i.e. 1-5-1992 he has stated that he has not received any instructions from the respondent further some more time was allowed to file reply and the matter was adjourned for today.

The learned counsel for the applicant prays that that the enquiry report which he has annexed to the application is annexure exhibit 3(a) which appears to be conducted some time in Nov.1989 till Nov.16th 1989. The order to be considered by the disciplinary authority within a fixed period as the applicant is about to retire within a period of about one year. It appears that the Administrative Officer on behalf of the Chief Engineer informed the applicant that the disciplinary authority will take suitable decision after considering the Enquiry Report, this order is dated 6-3-1990 annexure to the exhibit A-4.

Learned counsel for the respondent Mr. R.K.Shetty has not received any copy of this application nor any instructions. He was only instructed to take adjournment for filing reply. Learned counsel for the applicant submitted that he only wants that the Disciplinary Authority should pass the order on the Inquiry Officer's Report as envisaged under the relevant provisions of the Rules CCS CCA 1965. I think this is a innocuous request. The applicant should approach the respondent. We think it is not proper to adjourn the matter further for asking the respondent to file reply. We therefore direct the respondent that they will order the disciplinary authority to pass the final order within a period of

5

: 3 :

3 months. This application is disposed of as dismissed giving liberty to the applicant to approach again if he may feels so within a period of limitation, for any subsisting grievances.

J. P. Sharma

(J.P. SHARMA)
MEMBER(J)

Usha Savara
(USHA SAVARA) 2.7.92.
MEMBER(A)