

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

(B)

O.A. NO: 573/92

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~~XXX~~

DATE OF DECISION 8.7.1992

Shri S.Rajamany Petitioner

Shri G.S.Walia Advocate for the Petitioners

Versus

Union of India and others. Respondent

Shri P.M.Pradhan Advocate for the Respondent(s)

CORAM:

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

The Hon'ble ~~Mr.~~ Ms. Usha Savare, 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 ?

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*(S.K.)*  
(S.K. DHAON)  
Vice Chairman.

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CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 573/92

Shri S. Rajamany

... Applicant.

V/s.

Director General,  
Dept. of Telecom.  
Sanchar Bhavan,  
New Delhi.110 001.

Chief General Manager  
Department of Telecom.  
Maharashtra Circle,  
Bombay - 1.

Chief Superintendent  
Central Telegraph Office  
Bombay - 400 001.

... Respondents.

CORAM: Hon'ble Shri Justice S.K. Dhaon, Vice Chairman  
Hon'ble Ms. Usha Savara, Member (A)

Appearance:

Shri G.S. Walia for the  
Applicant.

Mr. P.M. Pradhan, for  
the respondents.

ORAL JUDGEMENT

Dated: 8.7.92

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

Disciplinary proceedings were initiated against the applicant. A charge sheet was given to him. An Enquiry officer was appointed. The applicant submitted that he has replied to the charge sheet. Proceedings commenced before the Enquiry Officer. During the course of the proceedings the applicant, on 7.8.91, addressed an application to the Director General Telecom, New Delhi, making allegations against the Punishing Authority as well as the Enquiry Officer. His ~~presised~~ allegation against the Enquiry Officer was that he was biased. By a communication dated 29.8.1991 the Chief Superintendent, CTO, Bombay informed the applicant that the Chief General Manager, Telecom had disposed of the application. The

✓ applicant has approached this Tribunal with the prayer that the charge sheet may be quashed. He also prayed that the report of the Enquiry Officer, which had been submitted by the Disciplinary Authority may be quashed.

Shri. Pradhan appeared on behalf of the respondents and he has been heard.

In view of the order we are about to pass, and in view of the facts that Shri Pradhan has not pressed for time for filing a counter affidavit, we are disposing of this application finally. On behalf of the applicant reliance is placed on Note 16 to Rule 14 of the Classification, Control and Appeal Rule 1965. The substance of the said note is that ✓ if and when the application is made containing an allegation of the bias against the Enquiry Officer, the said application should be disposed of by the ✓ Reviewing Authority and not by the Disciplinary Authority. It also contemplates that, till the application is disposed of by the Competent Authority, further proceedings before the Enquiry Officer shall remain stayed.

The communication of 29-8-1991 of the Chief Superintendent, C.T.O. Bombay clearly indicates that the representation dated 7.8.1991 of the applicant was not disposed of by the Reviewing Authority, but by the Chief General Manager, Telecom. Therefore, in view of the aforesaid note, the application or representation shall be deemed to be still pending before the Reviewing Authority. It is apparent that had the application been allowed by the Reviewing Authority, the Enquiry Officer could neither proceed further nor could he submit his findings to the Punishing Authority. Luckily the matter is still before

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the Punishing authority, as no final order has been passed by him as yet, although it directed the applicant to give his version to the report of the Enquiry Officer and the applicant has done so.

Keeping in view ~~of~~ the interest of justice, we consider it appropriate that the Reviewing Authority should be directed to dispose of the application/ representation of the applicant afore mentioned as expeditiously as possible but not beyond a period of four weeks from the date of communication of this order, by Shri Pradhan to him. We also direct that till the representation is disposed of by the Reviewing Authority, the Punishing Authority shall not pass any order in the said proceedings as against the applicant.

We make it clear that we ~~are~~ not entering into the factual controversy and therefore, any observation made by us on the facts of the case would have no bearing upon the final order which would ultimately be passed. With these directions this application is disposed of finally. A copy of the order may be given to Shri Pradhan with 24 hrs.

*U. Savara*  
(USHA SAVARA) 8.7.92  
MEMBER(A)

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