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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

C.P. 24/93 in

Original Application No. 663/92

Shri Karpurapu Vara Prasada Rao
V/s.

... Applicant.

Shri B.P. Verma,
Addl. Secretary (C & C)
Ministry of Finance
Department of Economic Affairs
Government of India,
North Block, New Delhi.

Shri S. Mitra
General Manager
India Security Press
Nasik Road,
Nasik.

... Respondents.

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

Appearance:

Applicant in person

Shri P.M. Pradhan, counsel
for the respondents.

Tribunal's Order.

Dated: 16.4.93

The only question to be decided is whether there was a breach of the order dated 4.12.92 when the D.P.C. met. According to the applicant the promotion should have been actually on adhoc basis as per first para of the order of that date, but it appears from the second para and on the statements of the respondents counsel that the applicant was considered and the D.P.C. met. However no promotion either on regular or on adhoc basis had taken place and If and when such a promotion is made, the applicant will also be considered. The affidavit filed by the respondents says that the applicant was considered but was not found fit. There ^{could be} ~~was~~ no apprehension to make a regular promotion on out of turn basis.

Shri Pradhan placed before us the proceedings of the D.P.C. and we found that the applicant was considered by the D.P.C. and, taking into consideration the

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departmental proceedings against him, was not found fit. We are satisfied with the findings and there has been no violation of any direction made by the court or any undertaking given to the court. There is no substance in the Contempt Petition.

Contempt Petition No. 24/93 is dismissed.

With regard to M.P. 128/93 the prayer is that enquiry proceedings in respect of charge sheet dated 8.6.91 should be ~~complied with~~ ^{completed early}. Shri Pradhan states that respondents are willing to complete the enquiry within the period, which the Tribunal may prescribe. We direct the respondents to complete the enquiry within four months from today.

M.P. 128/93 stands disposed of.

Keep the case in Sine- die list.


(M.Y. PRIOLKAR)
MEMBER (A)


(M.S. DESHPANDE)
VICE CHAIRMAN

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QA NO. 663/92

27.8.93

Heard the applicant in person and Mr. Karnik for Mr. P M Pradhan, counsel, for the respondents.

While disposing the CP No. 24/93 along with MP No. 128/93 by our order dated 16.4.93 we had directed the respondents to complete the inquiry within a period of four months from that date.

According to Mr. Karnik the applicant did not put in his defence brief and the written submissions though he was asked to do so by the inquiry officer. The Inquiry Officer has concluded the inquiry and submitted his report to the Disciplinary Authority. His grievance is that the applicant has not cooperated in the inquiry.


When we asked the applicant as to when he would be willing to file a representation on the inquiry report before the Disciplinary Authority, he stated that he would file his representation within 48 hours.


If such a representation is filed before the Disciplinary Authority, before taking a decision on the Inquiry Officer Report the Disciplinary Authority may consider that representation and pass appropriate orders according to law.

We do not think any contempt is involved. The CP NO. 114/93 is, therefore, dismissed.

With regard to MP NO. 640/93, the challenge made by the applicant is to the procedure adopted at the inquiry. We are not inclined to interfere with the inquiry while it is going on because the applicant has the right to challenge the ultimate finding as well as the punishment after he exhausts the departmental avenues.

With these observations MP No. 640/93 is rejected.


(USHA SAVARA)
M(A)


(M.S. DESHPANDE)
V.C.

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order/Judgment despatched
to Applicant/Respondent (s)
on 27/9/93
9/9/93

17/9/93

M.P. No. 979/93 for
L.B. fixed on
24.12.93

21/12

MP No. 43/94
for direction to
respondents on
21/1/94.

18/1/94

Per Tribunal ✓ Date: 24.12.93
Applicant in person / by
Advocate / Respondent by Mr. P. M. Pradhan
Counsel. As no DB is available in A.N.
The matter adjourned to 21.1.94
for Order on GR

to be placed on
TOP of order
matters.

Dy. Registrar

Per Tribunal ✓ Date: 21/1/94
Applicant in person / by
Advocate / Respondent by PM Karbure
Counsel. for Mr. PM Pradhan
The matter adjourned to 28/1/94
for order on MP 979/93 & 43/94.

Dy. Registrar

28-1-94

party in person
Heard the / Counsel for respondent.
oral judgment pronounced
in the open court.

M. K. Khatkar
(M. S. SWAMINATHAN) (M. R. KOLHATKAR)
M(S) A(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 663/92

Transfer Application No:

DATE OF DECISION 28-1-94

K.V.Prasad Rao

Petitioner

Applicant in person.

Advocate for the Petitioners

Versus

Union of India through
General Manager, ISP
Nasik Road.

Respondent

Shri P.M.Pradhan

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri M.R.Kolhatkar, Member(A)

The Hon'ble Shrimati Lakshmi Swaminathan, 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 are to see the fair copy of the Judgement ?~~
4. Whether it needs to be circulated to other Benches of the Tribunal ?

} X

M.R.
(M.R.Kolhatkar)
Member(A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. 663/92

Shri K.V.Prasad Rao.

..

Applicant

vs

Union of India through
General Manager, ISP
Nashik Road

..

Respondents.

Coram: Hon'ble Shri M.R.Kolhatkar, Member(A)
Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Appearance:

Applicant in person.

Shri P.M.Pradhan counsel
for the respondents.

Dated: 28-1-94

Oral Judgment

(Per : Hon'ble Shri M.R.Kolhatkar, Member (A))

This case has come up today in the context of M.P.979/93 dated 24-12-93. In this M.P., prayer has been made to quash and set aside the disciplinary proceedings initiated against the applicant and to direct the respondents to open the "sealed cover" of DPC and direct respondent to promote applicant. The M.P. No. 43/94 dated 8-1-94 contains the prayer to direct S.Mitra G.M. India Security Press to transfer the applicant to Currency Note Workshop.

In our order dated 27-8-93, while disposing M.P.640/93 we had made it clear that we are not inclined to interfere with the enquiry because the applicant had the right to challenge the ultimate findings as well as punishment after he exhausts departmental avenues. This order is to be read in conjunction with the earlier order in C.P. 24/93 dated 16-4-93. Today counsel for the respondents has filed a written statement before us stating that the disciplinary proceedings have been concluded on 20-1-94

by imposing the penalty of dismissal from the Government service on the applicant. We are therefore required to consider the position of these MP's in the light of this development. The prayer in the O.A. after leaving out prayers which are vague, is to the effect that the application should be considered for promotion to the post of Dy.W.E.(Elec.) on the dates of interview viz. 12/4/89 and 13/4/89 onwards. It was in the ~~context~~ of this relief that this Tribunal had from time to time given interim relief to the applicant vide our orders dated 23-10-92 and 4-12-92 in addition to order dated 16-4-93~~92~~ referred to earlier.

We have heard the applicant and the learned counsel for the respondents. The learned counsel for the respondents submits that this application as well as MPs have become infructuous in view of the conclusion of the departmental proceedings against the applicant which have resulted in his dismissal from the service. It is open to the applicant to challenge, as was made clear in our earlier order dated 27-8-93, the ultimate findings as well as punishment. The applicant states that he has filed an appeal against the penalty imposed. In view of this, the reliefs prayed by the applicant in the MP No. 979/93 and 43/94 do not survive. MPs are dismissed.

The learned counsel for the respondents submits that O.A. also does not survive ~~but~~ that the applicant be at liberty to raise issues raised in the O.A. at a later stage if he so chooses.

We have considered the matter carefully and we dispose the O.A. by passing the following order:

Order:

O.A.663/92 is dismissed as being infructuous.
Further, we make it clear that the applicant is at liberty, if he is so advised to challenge the penalty of dismissal as well as ^{under law} ~~the~~ ~~appellate~~ ~~order~~ or any other order which may be passed by the respondents and he would be at liberty to raise any ground relating to his promotion etc. as part of those proceedings.

No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

M.R. Kolhatkar
(M.R. Kolhatkar)
Member(A)

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Dated: 18.2.94.

C.P. No. 237/94 (rev)
for order. for
on 18-2-94.

2/2/94
10/2

dr. 28/1/94
Order/Judgement despatched
to Applicant/Respondent (s)
on 14/2/94.

14/2/94.

Applicant in person - Shri
S. S. Karkera for the respondents.

Heard the applicant.

On view of the fact that
the OA. was dismissed as infructuous
by the order dated 28.1.94,
present C.P. No. 23/94 does not
survive and is disposed of.

MR Kolhatkar

(M. R. Kolhatkar)

M(A)

(M. S. Deshpande)

VC.

18/2/94
order/Judgement despatched
to Applicant/Respondent (s)
on 2/3/94.

9/3/94.