

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560 038.

Dated:-27 APR 1994

APPLICATION NUMBER: 393/94

APPLICANTS: Syed Hayat

To.

RESPONDENTS: Union of India by its  
Secretary, Ministry of Science and  
Technology, New Delhi and 3 Others.

1. Shri B.B.Mandappa,  
Advocate,  
115/3, Balappa Building,  
Seshadripuram Circle,  
Bangalore - 20.

2. Shri M.Vasudeva Rao,  
Additional Central Government  
Standing Counsel,  
High Court Building,  
Bangalore - 1.

Subject:- Forwarding of copies of the Orders passed by the  
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/  
~~STAY ORDER~~ / ~~INTERIM ORDER~~ /, passed by this Tribunal in the above  
mentioned application(s) on 13.04.1994

Issued on  
27/4/94  
R

o/c

*S. S. Chawar*  
for DEPUTY REGISTRAR <sup>27/4</sup>  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.393/94

WEDNESDAY THIS THE THIRTEENTH DAY OF APRIL, 94

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN

MR. T.V. RAMANAN MEMBER(A)

Syed Hayat,  
Head Accountant,  
(Retired while on leave),  
Survey of India, Hyderabad  
now residing at Tippunagar,  
in Ramanagaram Town,  
Bangalore District Applicant

( By Advocate Shri B.B. Mandappa )

v.

1. The Union of India by its  
Secretary to Government,  
Ministry of Science & Technology,  
New Delhi - 110 011
2. The Surveyor General of India,  
Dehradun,  
State of Uttar Pradesh
3. Director General of Training  
Institute, C.S.T. & M.F.  
Survey of India, Uppal,  
Hyderabad - 39
4. The Additional Surveyor  
General, Survey Training  
Institute, Uppal, Hyderabad-590039 Respondents

( By learned Standing Counsel )  
Shri M.V. Rao

ORDER

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

We have heard the learned Standing  
Counsel. We admit this application and think  
it appropriate to dispose it of right now. We  
had occasion to deal with this matter on an  
earlier occasion also. At that juncture,



while disposing of O.A.No.49/1992 disposed of on 19.2.93, we made an order directing the Department to complete and conclude the departmental enquiry stated to be still pending vis-a-vis the applicant within six months from the date of making of that order. That order was made in the presence of both sides. Under the circumstances, the deadline set for concluding the departmental enquiry was thus over by the 19th of September, 1993.

2. Apparently, the Department has not concluded the enquiry and even today we do not know at what stage the enquiry is pending. When we asked the learned Standing Counsel what the departmental enquiry is all about, he tells us that the enquiry is in regard to the alleged desertion of the applicant from his place of work some two decades ago. Although we do not question the Department's right to initiate departmental enquiry against a deserter, we must still question the prudence of the Department in clinging on to a stale enquiry purported to be initiated in 1980. We notice the Department has not approached us and asked for more time to complete the enquiry. The applicant appears to be a septuagenarian and has therefore been retired. Whether the enquiry is over or not and assuming that the department has jurisdiction to continue a pending enquiry even after the government servant has retired, what becomes obvious is that the government servant in question has not only reached the age of superannuation but has also completed a decade beyond superannuation. Therefore,

we think it is a fit matter wherein the department should be injuncted against continuing the enquiry relating to the circumstances under which the applicant had made himself scarce and had absented from duty.

3. With this direction, we dispose of this application finally directing the department to consider the eligibility of the applicant for whatever pensionary benefits are due to him under law. No costs.



*Sd/-*  
( T.V. RAMANAN )  
MEMBER (A)

*Sd/-*  
( P.K. SHYASMUNDAR )  
VICE CHAIRMAN

TRUE COPY

*R. R. R.*  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE  
29/4