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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 177 / 93

Transfer Application No:

DATE OF DECISION 18.6.1993

Shri V.G.Sane.

Petitioner

Shri S.P.Saxena.

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri R.K.Shetty.


Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,

The Hon'ble ~~Shri~~ Ms. Usha Savara, 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 ?


(M.S.DESHPANDE)
MEMBER(A).

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

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BOMBAY.

Original Application No.177/93.

Shri V.G.Sane. Applicant.

V/s.

Union of India & Ors. Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,
Hon'ble Ms. Usha Savara, Member(A).

Appearances:

Applicant by Shri S.P.Saxena.
Respondents by Shri R.K.Shetty.

Oral Judgment:-

{Per Shri M.S.Deshpande, Vice-Chairman} Dt. 18.6.1993.

Heard Shri S.P.Saxena for the applicant and
Shri R.K.Shetty for the Respondents.

2. The inquiry which has been initiated against the applicant who was a Surveyor of Works was in respect of recommendation of higher rates for the labour charges payable for manufacturing of steel boxes, because of the change in the gauge of the sheets required to be supplied. As the sheets of the particular gauge which was the subject matter of the contract was not available. This ^{has reference} ~~is relevant~~ to the year 1980-81 to 1982-83. The charge sheet was given to the applicant on 18.2.1993 and his grievance is that he is due to retire by the end of October, 1993. Shri Shetty learned counsel for the respondents has drawn our attention to Annexure R-2 where the stage by stage steps taken have been enumerated, but it is apparent that the investigation was undertaken only in the year 1985. Reference has been made to several dates which have been mentioned, but it is apparent that the applicant's Officers did not respond and in one


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instance as ^{many} long as 5 reminders had to be issued before a reply could be expected. The whole correspondence went on in a frivolous manner without any sence of urgency

and ultimately a Board of Officers was constituted ~~in~~ in 1989 and after obtaining the reply of the applicant a charge sheet was handed over in 1993. We are not impressed by the details given in Annexure R-2. When we inquired from the learned counsel for the Respondents what was the amount of loss that was incurred by the government, he was not in a position to tell us, but the learned counsel for the applicant stated that in the first two contracts the number of boxes involved was 1000 each and in the third one 176 and the higher charges paid were about Rs.1.50 per box. The entire amount is not substantial. The applicant's duties were of rendering technical advice to the Officer taking decision and the applicant's grievance before us was that if the inquiry was not taken up within four years, the Officer would not be answerable for the lapse and this period of 4 years was allowed to lapse before initiating action against the applicant. Considering that over a small matter considerable time was taken at every stage, that the amount involved was not substantial and that nearly 10 years have passed by and the applicant is likely to retire at the end of October, 1993, we think that this is a fit case where on account of unexplained delay and other factors the inquiry should be quashed.

3. We therefore, quash the inquiry initiated against the applicant. The application is disposed of with no order as to costs.


(USHA SAVARA)
MEMBER(A)
18.6.93


(M.S. DESHPANDE)
VICE-CHAIRMAN

B.