

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 202/95

Date of Decision 21/ JUNE 1996

Navin Singh

Petitioner

Mr. M.S. Ramamurthi

Advocate for the Petitioner.

Versus

Govt. of Maharashtra & UPSC

Respondent

Mr. G.K. Nilkanth

Advocate for the Respondents.

Mr. V.S. Masurkar

Coram:

The Hon'ble Mr. B.S. Hegde, Member (J)

The Hon'ble Mr. P.P. Srivastava, Member (A)

1. To be referred to the Reporter or not?

2. Whether it needs to be circulated to other Benches of the Tribunal?


MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PREScot ROAD, MUMBAI-1

O.A. No. 202/95

DATED : THIS 21/6 DAY OF JUNE 1996

Coram: Hon. Shri B.S. Hegde, Member (J)
Shri P.P. Srivastava, Member (A)

Navin Singh
S/o. Dr. Shiv Murat Singh
Bungalor No.2
Airport Road
Shastri Nagar
Yerawada, Pune 6

(By Mr. M.S. Ramamurthi, Counsel) ..Applicant

V/s.

State of Maharashtra
through the Principal Secretary
to Govt. of Maharashtra
Revenue & Forest Department
Mantralaya, Bombay 32

2. Mr. H M Khedkar
Enquiring Authority and
Managing Director
F.D.C.M. Ltd., Kadbi Chowk,
Nagpur

(By Mr. G.K. Nilkanth, Sr.Counsel)

3. Union of India
through Secretary
Department of Environment &
Forests, CGO Complex,
Parivaran Bhavan,
New Delhi 110001

(By Mr. V.S. Masurkar, Counsel) ..Respondents

ORDER
(Per: B.S. Hegde, Member (J))

Heard Mr. Ramamurthi, Counsel for the Applicant.

None for Respondents No.1 & 2. Mr. V S Masurkar, Counsel
for Respondent No.3.

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2. Ld. Counsel for the Applicant was given permission to amend the O.A. vide order dated 4.8.95 and the amended copy was filed in the Registry on 8.3.96 and a copy of the same was given to the respondents accordingly. Despite the amendment the Respondents Nos. 1 & 2 did not care to file any reply nor they were present for more than two occasions when the case was called up. When the matter was called yesterday (17.6.96) neither the counsel nor the department representative were present. However, after the matter was heard and the order was reserved Mr. Nilkanth, Counsel for Respondents Nos.1 & 2 appeared and submitted that the reply as already filed would be sufficient for the purpose of deciding the present O.A.

3. The Applicant in this O.A. has challenged various chargesheets issued by Respondents which are given below:

- (i) 13.5.1992; (CR-48)
- (ii) 24.5.1993 (CR-137)
- (iii) 14.12.1992 (CR-119)
- (iv) 24.5.1993 (CR-130).

The applicant states that he is likely to be issued two more charge sheets, but they are not yet issued. The applicant after amending the O.A. has changed the prayers which reads as follows:

"(h) that the Respondents be directed to pass final orders on the three enquiries completed being Enquiry Nos.CR-48; CR-137 and CR-130 within the specified time, in any case not later than 30.4.96

(V)

without prejudice to the right of the Applicant to challenge the said orders on all grounds available to him under the law, if the said orders are adverse to him.

"(i) that the Respondents be permanently restrained from proceeding with the enquiries on the two charge sheets one dated 14.12.1992 (CR-119) and another dated 18.2.1995 (CR-120), and the said charge sheets be quashed and set aside.

"(j) that the respondents be permanently restrained from issuing any further charge sheet of the Applicant pursuant to the decision dated 25.7.1991 of the Government of Maharashtra."

4. Despite notice to the Respondents 1 & 2 they did not clarify the prayer made in the amended O.A. by the Applicant and submitted that the reply already filed by them would be applicable to the facts of this case wherein they had taken a plea that out of four enquiries initiated against the applicant, in two cases enquiries are completed and in the other two cases the applicant has not given cooperation in the enquiry as some documents referred to in the Government list have not been given to him.

5. On perusal of the documents, it is noticed that the Respondents have not taken any steps in concluding the enquiry at the earliest. In the reply they have not denied that three enquiries are completed by the

162

Enquiry Officer but no decision has been taken by the competent authority. They concede that the enquiry authority ordinarily should complete the enquiry within six months from the service of chargesheet. The respondent have not brought out any reasons why the punishment is not imposed against the applicant though the enquiry is completed.

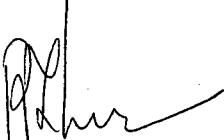
6. Ld. Counsel for Respondent No.3 Mr. V S Masurkar, submitted that it is not open to the applicant to challenge all the charge sheets in one Application. He further argued that each charge sheet depends on the facts of each case and cannot be clubbed in one O.A. in view of CAT Procedure Rules, and hence the O.A. is not maintainable as all the charge sheets are challenged in the O.A. and the O.A. is required to be dismissed in-limini.

7. Since there is not averment on behalf of the Respondents Nos. 1 & 2 as to why they did not impose any penalty on the applicant despite completion of the enquiry proceedings in so far as three enquiries referred to earlier, there is not justification on the part of Respondents Nos. 1 & 2 in delaying imposition of penalty, in case those three enquiries were completed, and keeping it alive till completion of the other charge sheets issued by them. In some cases enquiry has not been initiated till now. Therefore, the respondents are not justified in delaying the matter in respect of imposition of penalty for they intended to do so.

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8. In the circumstances in which the applicant is situated, we hereby direct the Respondents Nos: 1 & 2 to pass appropriate orders in so far as three enquiries which are completed within a period of four months from the date of receipt of this order. In case the applicant is aggrieved by that order, liberty is given to the applicant to challenge the same if he is so advised. So far as the other two charge sheets are concerned it is nothing to do with this O.A. and it is not open to the applicant to club all the charge sheets in this O.A. The applicant may challenge those charge sheets and punishment orders if he so desired by a fresh O.A. With these directions the O.A. is disposed of with no order as to costs.


(P.P.Srivastava)
Member (A)


(B.S.Hegde)
Member (J)