

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 400001

M.P.NO.863/95 IN O.A.NO.1054/95

Dated : this 6th day of December, 1995

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

Choure Chandrakant Udhavrao
Flat No.E-39
Central Govt. Staff Quarters
Hyderabad Estate
Napean Sea Road
Bombay 400006
by Shri M.A. Mahalle, counsel ..Applicant

V/s.

Union of India
through Secretary
Ministry of Finance
North Block
New Delhi & 2 ors.
by Shri Sureshkumar for
Mr. M.I.Sethna, Counsel ..Respondents

ORDER

[Per: B.S.Hegde, Member(J)]

Heard Mr. M A Mahalle, counsel for the
applicant and Mr. Sureshkumar for Mr. M I Sethna,
counsel for respondents.

2. Respondents have filed MP. No.863/95
seeking extension of time for completing the
inquiry proceedings. Vide its order dated 28.9.95
the Tribunal had directed that the disciplinary
proceedings shall be completed within two months
from to-day.

3. Ld. counsel for respondents states that
the inquiry has been completed and the final

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decision would be taken by the Inquiry Officer in consultation with the UPSC etc., soon.

4. During the course of hearing, while opposing the extension of time as prayed for, Mr. Mahalle, Ld. Counsel for the applicant has drawn our attention to the Office Memorandum dated 14th September, 1992 issued by the Department of Personnel wherein in para 5 procedure for ad hoc promotion is laid down that where the disciplinary case/investigation/criminal prosecution against the Government servant are not concluded even after the expiry of two years from the date of the meeting of the first DPC, which kept its findings in respect of the Government servant in a sealed cover the appointing authority may review the case of the Government servant, provided he is not under suspension, to consider the desirability of giving him ad hoc promotion keeping in view certain aspects.

5. The respondents have not given any explanation as to why there is a delay in the disciplinary proceedings. The Ld. Counsel for the applicant also states that the mandatory review of every six months as provided in the OM has^{not} been carried out by the department. In

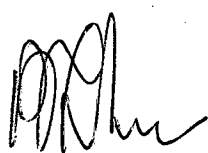
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the circumstances the Ld.Counsel for applicant prays that the applicant be considered for promotion on ad hoc basis in terms of the aforesaid Office Memorandum since the applicant is due to retire on 31.3.1996.

6. In the facts and circumstances of the case, we hereby direct the respondents to consider the applicant for the post of Chief Commissioner of Income Tax on ad-hoc basis in the light of O.M. dated 14.9.92 and pass appropriate orders within a period of two months from the date of receipt of a copy of this order. Accordingly, the M.P.No.863/95 is allowed ^{partly and full} ~~for~~ a period of six months is granted for completing the entire disciplinary proceedings and pass appropriate final order in the facts and circumstances of the case, though the respondents have prayed for 12 months time for implementation of the order of the Tribunal dated 28.9.95.

7. Copy of this order be given to the parties.



(P.P.Srivastava)
Member(A)



(B.S.Hegde)
Member(J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

M.Ps. 245/98, 419/98 and 445/98 in
Original Application No: 1054/95

Date of Decision: 27.11.98

Shri Choure Chandrakant Udhavrao

Applicant.

Shri P.A. Prabhakaran.

Advocate for
Applicant.

Versus

Union of India and others.

Respondent(s)

**Shri Vadhavkar for
Shri M.I. Sethna.**

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman.

Hon'ble Shri. D.S. Baweja, Member (A)

- (1) To be referred to the Reporter or not? *W*
- (2) Whether it needs to be circulated to *W*
other Benches of the Tribunal?

R. G. Vaidyanatha
(R.G. Vaidyanatha)
Vice Chairman

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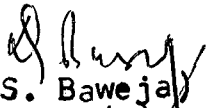
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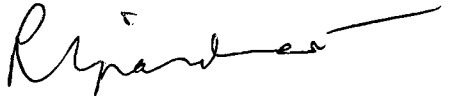
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O.A: according to law. With these observation,

all the pending M.Ps are disposed of


No costs.


(D.S. Baweja)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman

NS

dt. 27/11/98
order/Judgment despatched
to Applicant/Respondent (s)
on 11/12/98


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