

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

C.P.No.9/2000 in  
D.A.No.172/1997

Dated: 18th Sept, 2000.

Learned Counsels on both sides present.

2. After providing liberty to Shri Walia, Learned Counsel for providing clarifications and after hearing Shri V.S.Masurkar and Shri R.R.Shetty for Shri R.K.Shetty, we find the position to be as follows:-

The order in the DA is by way of a direction to Respondents to expedite the conducting of departmental inquiry on the basis of charge sheet dated 17/1/95. Disciplinary Authority is required by the directions to pass final orders expeditiously and preferably within a period of 9 months. This order is dated 1/2/1999.

3. We find from the reply statement that the order is passed by the State Government of Maharashtra(R-1) on 26/6/2000 (at page 17 of paperbook). The English copy of the said Marathi order is provided today. We find that the Respondents have complied with the order, although there is delay of some months beyond the "preferable time limit" indicated in the orders. Even otherwise, this delay cannot be viewed as being intentional and hence we cannot find that any contempt has been committed.

4. We note here the argument made by Shri Walia that the Government, while ordering the dropping of the departmental proceedings has imposed what he views as a punishment on Shri Jawahar Singh by adding in the same order dated 26/6/2000 that



...2.

Shri Singh, is given a written warning for improper handling of Video Cassettes. It is contented that this really amounts to a punishment and that there is no statutory provision for the penalty of warning. Further that such a warning will have adverse consequences in the career of the Applicant. It was prayed that liberty be granted to applicant to agitate this grievance before the Tribunal. If Applicant is aggrieved and if hereby provided by so advised, he is at liberty to file an OA on this issue/aspect before the Tribunal, subject to laws of limitation.

5. With the above observations, the CP-9/2000 stands disposed of. The English Translation of order dated 26/6/2000 is taken on record.

S.L.JAIN  
(S.L.JAIN)  
MEMBER(J)

B.N.BAHADUR  
(B.N.BAHADUR)  
MEMBER(A)

abp.

order dt-18/9/00  
sent despatched  
to AP 11/Respondent(s)  
on 22/9/00  
G  
410/06