

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 354 OF 1998.

Date of Decision : 30.11.1998.

Jose Kurian, _____ Petitioner.

Shri S. N. Pillai, _____ Advocate for the Petitioner.

VERSUS

Union Of India & Another, _____ Respondents.

Shri R. R. Shetty for
Shri R. K. Shetty, _____ Advocate for the Respondents.

COGRAM :

HON'BLE SHRI JUSTICE R. G. VAIDYANATHA, VICE-CHAIRMAN.

HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

(i) To be referred to the Reporter or not ?

(ii) Whether it needs to be circulated to other Benches of the Tribunal ?

R. G. Vaidyanatha
(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 354 OF 1998.

Dated this Monday, the 30th day of November, 1998.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

Jose Kurian,
Milwright, T.No. 561/MM,
Shop No. 35,
Ordnance Factory, Ambernath,
Dist. Thane, Pin - 421 502.

... Applicant

(By Advocate Shri S. N. Pillai)

VERSUS

1. Union Of India through
The Chairman,
Ordnance Factory Board,
10-A, Auckland Street,
Calcutta - 700 001.

2. The General Manager,
Ordnance Factory,
Ambernath, Dist. Thane,
Pin Code - 421 502.

... Respondents.

(By Advocate Shri R. R. Shetty
for Shri R. K. Shetty).

: OPEN COURT ORDER :

¶ PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN ¶

This is an application filed by the
applicant challenging the departmental enquiry
initiated by the respondents against him in pursuance
of the charge-sheet dated 30.05.1991. Respondents have
filed reply opposing the application. We have heard the
learned counsels appearing on both sides regarding
admission.

2. The applicant is challenging the disciplinary enquiry proceedings only on the ground of unnecessary delay in conducting the enquiry.

The respondents have explained the cause of delay. They have also stated that earlier an order has been passed against the applicant, which has been set aside by the appellate authority and the matter is remanded for fresh enquiry according to law.

3. Having regard to the seriousness of the charges and the fact that an order has already been passed once and the matter was remanded after the applicant challenged the order before the Appellate Authority, we are not inclined to interfere with the disciplinary enquiry at this stage. It is not a case for quashing the departmental proceedings only on the ground of delay. But however, delay is no doubt an important factor and it is one of the principles of law that disciplinary enquiry should be expedited. Whatever are the reasons for the past delay, we feel that atleast in future, both the applicant and respondents should co-operate with each other and see that the disciplinary enquiry is expedited and the order is passed by the Disciplinary Authority as early as possible.

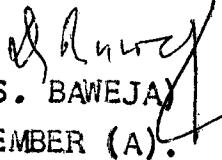
4. In the result, the O.A. is disposed of at the admission stage with a direction to the respondents to expedite the disciplinary enquiry against the applicant and dispose of the same as expeditiously as possible and preferably, within a period of six months from the date of receipt of this order. Needless to say, the applicant

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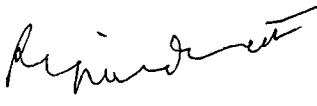
should also co-operate with the Inquiry Officer and the Disciplinary Authority for expeditious disposal of the case.

M.P. No. 273/98 is disposed of by condoning the delay in filing the O.A.

In the circumstances of the case there will be no order as to costs.


(D. S. BAWEJA)

MEMBER (A).


(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

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