

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 558/98

Date of Decision: 26/2/99.

Shri Navin Singh

Applicant.

Shri M.S. Ramamurthy

Advocate for
Applicant.

Versus

Union of India & Anr.

Respondent(s)

Shri V.S. Masurkar

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


(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.NO.6, 4TH FLR, PRESCOT RD, FORT,
MUMBAI - 400 001.

ORIGINAL APPLICATION NO:558/98.

DATED THE 26TH DAY OF FEBRUARY, 1999.

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

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

Navin Singh,
Deputy Conservator of Forests.
Usmanpura,
AURGANABAD.

... Applicant.

By Advocate Shri M.S.Ramamurthy.

v/s.

1. Union of India,
through the secretary,
Ministry of Forests & Environment,
Government of India,
Paryavaran Bhavan,
C.G.O. Complex, Lodhi Road,
New Delhi-110 003.

2. State of Maharashtra,
through the Principal secretary,
(Forests),
Revenue and Forest Department,
Mantralaya,
Mumbai - 400 032.

... Respondents.

By Advocate Shri V.S.Masurkar

I O R D E R I

I Per Shri R.G.Vaidyanatha, Vice Chairman I

This is an application filed by applicant for quashing charge sheet dated 13/6/95 and for consequential relief. Respondents have filed reply opposing application. Since the point involved is a short point, we are disposing application of/at the admission stage.

We have heard both the counsels.

2. The applicant is an IFS cadre/officer in Maharashtra in the rank of Deputy Conservator of Forests for the present. The respondents have issued a minor penalty charge sheet against him dated 13/6/95 that he disobeyed the order of transfer in not joining the post/for which he was transferred and misappropriated Government money. The applicant has sent



a reply to the charge sheet in 1996. Applicant's case is that inspite of nearly 3years of his filing reply to charge sheet, the respondents have not passed any order and the matter is pending. He has also made some allegations on merits in the OA. The applicant wants the chargesheet to be quashed as the respondents have not taken any action inspite of his reply to charge sheet being filed in 1996 and the disciplinary proceedings to be treated as abandoned and consequential reliefs.

3. Respondents have in their reply made some allegations on merits. They have stated that the matter is being enquired into and necessary orders will be passed.

4. After hearing both the counsels, we do not want to express any opinion on the merits of the case ~~the~~ in view we have taken to dispose of the application by directing the respondents to dispose of the disciplinary case expeditiously. This minor penalty charge sheet was issued in 1995 and now we are in the begining of 1999, and still no order is passed by Disciplinary authority. As in a minor penalty charge sheet, there is no necessity of formal enquiry and hence there is no reason for respondents to delay the disposal of the case. No particulars are given in the reply as to why the delay is caused. Put the counsel for respondents have stated that order ~~in the Disciplinary/Case~~ ^{by the D. Enquiry} will be passed shortly.

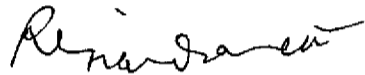
5. After hearing both the sides and going through the pleadings, we feel we should give some reasonable time to respondents to pass final order in the disciplinary enquiry case.

Hence, we are disposing of the OA with direction to respondents to pass final order in the charge sheet dated 13/6/95 within a period of three months from the date of



receipt of copy of this order. In case no order is passed by Disciplinary Authority within the above mentioned time granted by this Tribunal, then after the expiry of time, the respondents shall not proceed with the Disciplinary Enquiry case and shall not pass any order, without leave of this Tribunal. If for any reason final order could not be passed within time operated by this order, then it is open to respondents to move this Tribunal for extension of time by giving sufficient reasons which will be considered after hearing both sides. No costs.


(D.S. BAWEJA)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp.