

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 993/98 and 994/98

Date of Decision: 15.1.1999

Shri Navin Singh Petitioner/s

Shri M.S. Ramamurthy. Advocate for the
Petitioner/s.

v/s.



Union of India and others. Respondent/s

Shri V.S. Masurkar Advocate for the
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

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, BOMBAY:1

Original Application No.993/98 and 994/98

Friday the 15th day of January 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.
Hon'ble Shri D.S. Baweja, Member (A)

Navin Singh
Deputy Conservatory of
Forest, Usmanpura,
Aurangabad.

... Applicant.

By Advocate Shri M.S. Ramamurthy.

V/s.

The State of Maharashtra
through the Principal
Secretary (Forests)
Revenue and Forests Department,
Mantralaya, Mumbai.

Union of India
through the Secretary
Ministry of Environment and
Forests, Government of India,
Paryawaran Bhavan,
CGO Complex, Lodhi Road,
New Delhi.

... Respondents.

By Advocate Shri V.S.Masurkar.

O R D E R (ORAL)

{ Per Shri Justice R.G.Vaidyanatha, Vice Chairman }

These are two applications filed by the applicant for a direction that the Disciplinary enquiries pending against the applicant shall be treated as abandoned or dropped. Then there is further prayer that the respondents be directed to consider the applicant for further promotion without taking into consideration the pending disciplinary enquiry. The learned counsel for the respondents orally opposed the applications. We have heard the learned counsel for both sides regarding admission and interim relief.

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2. The main prayer is for quashing the disciplinary enquiry or to be treated as abandoned or dropped, only on the ground that the disciplinary enquiry has not been completed inspite of the direction given by the Tribunal by order dated 23.6.98 in O.A. 143/97 and 145/97. The respondents have filed M.P. 8/99 in O.A. 143/97 and M.P. 9/99 in O.A. 145/97 for extension of time.

Today, after hearing both the sides, we allowed both the M.Ps and granted extension of time by six months to complete the enquiry and pass a final order. In view of this the main prayer in the O.A. for treating the disciplinary enquiry as abandoned or dropped does not survive. In view of the order passed today on M.Ps in OA 143/97 and 145/97 the main prayer in the present O.As do not survive.

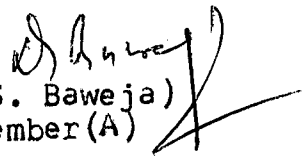
3. As far as the relief that the applicant should be considered for promotion without taking into consideration the present disciplinary enquiry dated 18.2.95, we find that the charge sheet was issued as early as 18.2.1995. Till now the enquiry is not completed and no final order has been passed. Earlier this Tribunal had granted six months time to the respondents to complete the enquiry. The respondents have now filed an application for extension of time which ofcourse we have granted.

But the question is whether the applicant should be promoted without taking into consideration the pending disciplinary enquiry. Nowhere it is mentioned that the delay in completing the enquiry was due to the applicant except ofcourse the last

ex-parte enquiry which we have already set aside. The applicant is not at fault and not responsible for the delay. The respondents have not completed the enquiry inspite of the order of this Tribunal in O.A. 143/97 and 145/97. We feel that in the circumstances the claim for adhoc promotion should be considered pending the present charge-sheet nemely CR 120 dated 18.2.1995 and CR 119 dated 14.12.1992.

4. In the result both the O.As are disposed of at the admission stage as follows:

1. Prayer (a) in both the OAs rejected.
2. As far as prayers (b) in both O.As are concerned, the respondents are directed to consider the case of the applicant for promotion to the post of Conservator of Forests subject to eligibility and suitability according to law without taking into consideration the pending charge sheets CR 119 dated 14.12.1992 and CR 120 dated 18.2.1995.
3. 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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