

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD :

O.A.No.526/90.

Date of Judgment : 1-8-90.

P.L.Prem

...Applicant

Vs.

1. Secretary, Ministry of Defence,
Government of India, New Delhi.
2. Engineer-in-Chief, Army Headquarters,
DHQ, P.O. New Delhi.
3. Chief Engineer, Southern Command,
Pune.
4. Chief Engineer (Factories),
Military Engineering Services,
Secunderabad.
5. Commander Works Engineers,
Station Road, M.E.S., Visakhapatnam.

...Respondents

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Counsel for the Applicant : M/s P.B.Vijaya Kumar &
B.M.Patro.

Counsel for the Respondents : Shri E.Madan Mohan Rao,
Addl.CGSC

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CORAM:

HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

HON'BLE SHRI D.SURYA RAO : MEMBER (JUDICIAL)

(Judgment of the Division Bench delivered by
Hon'ble Shri B.N.Jayasimha, Vice-Chairman)

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The applicant is a Deputy Commander Works Engineer, in the office of the Commander Works Engineer, Visakhapatnam. He has filed this application questioning the proceedings of the 1st respondent in No.5(5)90/D(Lab) dated 29-5-90 in which he was informed that action is proposed to be taken against him under Rule 16 of the CCS(CCA)

contd...2.

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Rules 1965. A statement of imputations of misbehaviour/
misconduct is annexed to the memo dated 29-5-1990.

2. We have heard the learned counsel for the
applicant, Shri P.B. Vijaya Kumar and Shri E. Madan Mohan
Rao, learned standing counsel for the Central Government,
to whom we have issued notice at the stage of admission.
The main point urged by the learned counsel for the appli-
cant is that the alleged misconduct relates to the period
prior to 1984 and the applicant is due to retire in July,
1991. Not only the charge memo is belated, any further
delay in the disposal of the disciplinary proceedings will
result delay in the processing of pension papers. This
will delay ^{the} in finalisation of the pensionary benefits to
him. The applicant has on 29-6-90 given a reply to the
show cause notice. He apprehends that since the proceed-
ings have been issued joining with other charged officers
and notices have been issued to the other charges officers
also, there may be delay in passing final orders as other
charged officers may take their own time in giving reply.
Shri Vijaya Kumar, therefore, restricts the prayer in the
application to seeking direction to the respondents to
dispose of the disciplinary proceedings initiated against
the applicant expeditiously after considering the reply
dated 29-06-1990 of the applicant.

contd...3.

To

1. The Secretary, Ministry of Defence,
Government of India, New Delhi.
2. The Engineer-in-chief, Army Headquarters,
DHQ, P.O. New Delhi.
3. The Chief Engineer, Southern Command, Pune.
4. The Chief Engineer (Factories),
Military Engineering Services, Secunderabad.
5. The Commander Works Engineers,
Station Road, M.E.S., Visakhapatnam.
6. One copy to Mr.P.B.Vijayakumar, Advocate and B.M.Patro, Advocate
A-1-8-7/13, Sarvodaya Colony, Chikkadapally, Hyderabad.
7. One copy to Mr.E.Madanmohan Rao, Addl.CGSC. CAT.Hyd.Bench.
8. One spare copy.

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3. We have given our full consideration to ^{the} points urged by Shri Vijayakumar. The only apprehension of the applicant is that as his case is tied-up with other officers, the respondents may not dispose-off the disciplinary proceedings against him quickly. Further since the show cause ~~which~~ ^{is} only for the imposition of ^a minor penalty, delay in the completion of the disciplinary proceedings would adversely affect him since he has only a year or so to retire from service. Having regard to these submissions, we are of the view that a direction should issue to the respondents to complete the Disciplinary Proceedings in so far as the applicant is concerned within a period of six months. In the mean time the respondents shall also process the pension papers of the applicant in accordance with the time table laid down for the same so that any delay in the completing the disciplinary proceedings, will not result in delay in finalisation of the terminal benefits. The respondents may, if so necessary de-link the case of the applicant and deal with it separately in order to complete the disciplinary proceedings expeditious.

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4. The application is disposed-of with these ^{directions} directions. No order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice-Chairman

D. Surya Rao
(D. SURYA RAO)
Member (J)

Dated: 1st August, 1990.
Dictated in Open Court.

Shri Jayasimha
For Deputy Registrar (Jud)

revised
6/12

CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. B. N. JAYASIMHA : V.C.

AND

THE HON'BLE MR. D. SURYA RAO : MEMBER (J)

AND

THE HON'BLE MR. J. NARASIMHA MURTY : M (J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M (A)

DATE:

11/8/90

~~ORDER/JUDGMENT:~~

M.A./ R.A./ C.A./ No.

in

T.A. No.

W.P. No.

O.A. No.

526/90

Admitted and Interim directions issued

Allowed.

Dismissed for Default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

~~M.A. Ordered/Rejected.~~

No order as to costs.

