

(56)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

$\frac{3}{4} - \frac{3}{4}$

O.A. No. 196/91.

Dt. of Decision : 5.7.94.

Mr. K. Krishna Murthy

.. Applicant.

Vs

1. Union of India represented by its Secretary (Establishment), Ministry of Railways, Railway Board, Rail Bhavan, New Delhi - 110 001.
2. Union of India represented by its General Manager, SC Rly, Rail Nilayam, Secunderabad.
3. Sri R.S. Goel, Commissioner for Departmental Enquiries (CVC) Govt. of India, Block No.10, Wing No. 8, Jamnagar House, Akbar Road, New Delhi-110 001.

.. Respondents.

Counsel for the Applicant : Mr. G. Ramachandra Rao

Counsel for the Respondents : Mr. D. Gopal Rao, Addl. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V.NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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OA.196/91

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri G. Ramachandra Rao, learned counsel for the applicant and Sri D. Gopal Rao, learned counsel for the respondents.

2. The applicant and three others were given chargesheet dated 29-10-1987 and there was a joint inquiry. This OA was filed praying for quashing the Departmental inquiry proceedings held against the applicant as per the above charge memo. The inquiry in regard to the applicant was stayed by the ~~interim~~ order dated 20-2-1991 of this Tribunal. It is stated for the applicant that the inquiry in regard to the other three was over and the necessary orders were passed by the disciplinary authority in regard to those three officers.

3. It is contended *inter alia* in this OA that the inquiry officer was biased against him as can be seen from the following circumstances:
When he requested as per the file No.75/Y2/0519/1/11221 dated 8-7-1983, the inquiry officer stated that he ^{would} ~~will~~ not allow the applicant to look into it and threw the file, and it was completed in haste as he conducted the proceedings for 1½ days only and during the same period he also conducted some other inquiries. The applicant relied upon 1974(1)SLR427 (S. Parthasarathi Vs. State of AP); and 1988(10)SC1099 (International Airports Authority of India Vs. K.D. Bali and another) to support the contention that

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the question ^{of} ~~for~~ bias has to be considered from the stand point of the delinquent employee and not on the basis as to whether infact the inquiry officer ^{had} ~~was~~ biased.

4. On the basis of the two instances referred to it cannot be inferred that there was bias on the part of the inquiry officer. It is stated for the respondents that there ~~was~~ only two witnesses on behalf of the applicant and there was no oral evidence on the part of the Department and hence when the proceedings were completed within 1½ days the same cannot be stated that the inquiry officer had prejudged the matter and hence he completed the proceedings within 1½ days. Merely because the inquiry officer had thrown the file it cannot be stated that he had biased against the applicant. Infact the other three officers had not come up with the plea that the inquiry officer ^{had} ~~was~~ biased against the officers who were facing the joint inquiry.

5. The question as to whether the file requested by the applicant is relevant for the inquiry and if the refusal on the part of the inquiry officer to allow the applicant to look into the file amounts to violation of Principles of Natural Justice or not, is not a matter for consideration at this stage. We leave that point for consideration as and when it arises.

6. It was also urged for the applicant that the inquiry has to be quashed as it was ^{not} completed within 150 days as prescribed. In support of the said contention 1989(6)SLR 307 (Dwijendra Lal Chakladar vs. Union of India and others) and 1989(6)SLR682 (Samarendra Kishore Roy vs. Union of India and others) are relied upon. But the question as to whether the ^{relevant} ~~relevant~~ provision is mandatory or directory was not

Copy to:-

1. Secretary(Establishment),Ministry of Railways,
Railway Board, Union of India, Rail Bhavan, New Delhi - 110 001.
2. General Manager, South Central Railways, Union of India,
Rail Nilayam, Secunderabad.
3. Sri R.S.Goes, Commissioner for Departmental Enquiries(CVC),
Government of India, Block No.10, Wing.No.8, Jamnagar House,
Akbar Road, New Delhi-110 001.
4. One copy to Mr.G.Ramachandra Rao, Advocate H.No.3-4-498,
Barkatpura Chaman, Hyderabad-500 027.
5. One copy to Mr.D.Gopal Rao, Addl. CGSC.
6. One copy to Library, CAT, Hyd.
7. One spare.

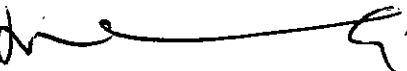
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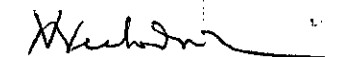
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considered therein. Hence, it cannot be stated that they laid down a principle which is canvassed for applicant. If the said provision is mandatory, then non-compliance of the same vitiates the proceedings and there upon the inquiry has to be quashed. But if it is merely directory, the inquiry cannot be quashed unless prejudice is caused to the delinquent employee/officer. Generally, the time limit is prescribed for compliance of the inquiries/proceedings/trials. It is more to emphasise the necessity to dispose the matters early. In such a case, the provision prescribing time limit has to be considered as directory. It is not shown how prejudice was caused to the applicant when there was delay in completion of the inquiry. Hence on that ground proceedings cannot be quashed.

7. No other point arises for consideration in this OA.

8. In the result, this OA is dismissed. But this order of dismissal does not debar the applicant to raise the plea that refusal to allow him to look into the file of 1983 referred to in this order violates Principles of Natural Justice, as and when arises and if it is so raised the same has to be considered on merits. No costs.

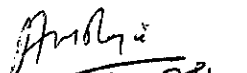

(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated : July 5, 1994

Dictated in Open Court

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04-196/91

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COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. G. RTHI : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDD
MEMBER (CUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 5-7-1994.

ORDER/JUDGMENT:

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

O.A.No. 196/91

T.A.No.

(A.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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Central Administrative Tribunal
DESPATCH
21 JUL 1994
HYDERABAD BENCH