

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.565/99

DATE OF ORDER : 29.6.1999

Between :-

Satish Chandra

... Applicant

And

1. The Chief Secretary,  
Govt. of A.P.,  
A.P.Secretariat, Hyderabad.
2. The Secretary (Political)  
GA (SER.D) Department (Political)  
Govt. of A.P., Secretariat, Hyderabad.
3. Union of India,  
Secretary to Government of India  
M/o Environment Forests,  
Parivaran Bhawan, Lodhi Rd,  
New Delhi.

... Respondents

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Counsel for the Applicant : Shri B.Kamalakar Rao

Counsel for the Respondents : Shri B.N.Sarma for R-3  
Shri V.V.Anil Kumar for RR 1 & 2.

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CORAM:

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri B.S.Jai Parameshwar,  
Member (J) ).

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... 2.

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(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J) ).

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Heard Sri B.Kamalakar Rao, learned counsel for the applicant, Sri Phani Raj on behalf of Sri V.V.Anil Kumar, learned counsel for Respondents 1 & 2 and Sri B.N.Sarma, Standing Counsel for Respondent No.3.

2. The applicant retired as Vice-Chairman and Managing Director of A.P.Forest Development Corporation on attaining the age of superannuation with effect from 31.12.1997. However, Respondent No.1 issued a charge memo in proceedings in GO Rt.No.6567 dated 23.12.1997. It is submitted that vide GO Rt No.2345 dated 6.6.1998, Sri K.Swaminathan, the then Chairman, Commissioner of Inquiry (F&C) was appointed as the Inquiry Officer. Sri K. Swaminathan was transferred and in his place Dr.Rangachari, special Chief Secretary to Government as the Chairman, Commissioner of Inquiry Sri Rangachari was appointed as the Enquiry Officer vide GO No.Rt.666 dated 16.2.1999 to enquire and to submit a report.

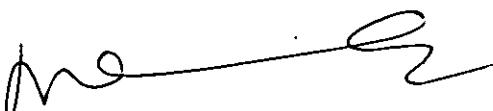
3. Thus the Department had to appoint another Enquiry Officer. The learned counsel for the Respondents states that it is the practice followed by the Department that the Vice-Chairman will not function as the Enquiry Officer. It is not understood on what basis this practice is followed. We feel that it is not the correct view taken by the Department. However, we do not further go into this point as the Enquiry Officer has been nominated as stated by the learned Standing Counsel for the State of Andhra Pradesh.

4. The applicant is a retired officer and he cannot be made to wait indefinitely for the retirement benefits. Hence the respondents shall conclude the Disciplinary Proceedings within a period of six months from the date of receipt of a copy of this order. Hence the following directions are given :-

The Respondents shall pass a final order on the charge memo dated 23.12.1997 on or before 31.12.1999. In case if the respondents fail to conclude the Disciplinary Proceedings within the stipulated period then the charge sheet dated 23.12.1997 shall stand quashed.

5. With the above directions, the Original Application is disposed of. No order as to costs.

  
(B.S.JAI PARAMESHWAR)  
Member (J)  
29.6.99

  
(R.RANGARAJAN)  
Member (A)

Dated: 29th June, 1999.  
Dictated in Open Court.

*dictated  
5.7.99*

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