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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.49/99

Date of order: 22.1.2001

Mohd. Masoom, S/o Sh. Abdul Subhan, working as Casual Worker, Passport Office, Jaipur.

...Applicant.

vs.

1. Union of India through Secretary, Mini. of External Affairs, Govt of India, New Delhi.
2. Passport Officer, Passport Office, Lalkothi, Tonk Road, Jaipur.
3. Superintendent (Admn. & Inquiry Officer), Passport Office University Marg, Tonk Road, Jaipur

...Respondents.

Mr. S.D. Sharma - counsel for the applicant.

Mr. V.S. Gurjar - counsel for respondents.

CORAM:

Hon'ble Mr. A.K. Mishra, Judicial Member

Hon'ble Mr. N.P. Nawani, Administrative Member.

- ORDER -

PER HON'BLE A.K. MISHRA, JUDICIAL MEMBER.

Applicant <sup>had</sup> filed the O.A with the prayer that notice dated 3.12.98 (Annex. A1) and order dated 16.12.98 (Annex. A1-A) be quashed and all the consequential proceedings be quashed. The applicant had also prayed for direction to the respondents to take the applicant on duty with all consequential benefits.

2. Notice of the O.A was given to the respondents who filed the reply to which a rejoinder was filed by the applicant.

3. We have heard the learned counsel for the parties and have gone through the case file.

4. It is alleged by the applicant that he was initially engaged as casual worker in the office of respondent No.2 <sup>the</sup> in the month of June 1989 and he worked there till 16.12.95. The services of the applicant were terminated vide disengagement

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notice dated 17.11.95. The applicant challenged the order dated 17.11.95 by filing an O.A which was registered at No.586 of 1998. The O.A was decided by the Tribunal on 18.5.98 and order of respondent No.2 dated 17.11.95 was quashed with the following directions:

"12. The respondents are directed to issue a show cause notice to the applicant to give him an opportunity as to why he should not be disengaged in view of the report of the Superintendent of Police furnished to the department and also the FR given in the matter subsequent to it being FR No.115/96 in FIR No.169/96.

The respondents shall also issue appropriate orders for the period falling between the date of disengagement till issuance of a show cause notice to the applicant. The respondents should comply with these directions within two months from the date of communication of this order."

It is further alleged by the applicant that in spite of direction of the Tribunal, the respondents did not take any ~~proper~~ steps for reengagement of the applicant and initiating enquiry. Thereafter a Contempt Petition was filed by the applicant against the respondents. The respondents thereafter initiated enquiry against the applicant which is pending against him and no final decision has yet been taken in ~~ex parte~~ ~~of~~ that enquiry. The applicant had challenged the action of the respondents in initiating the enquiry in pursuance of notice dated 3.12.98 (Annex.A1) and has sought the relief as mentioned above.

5. The applicant had also prayed for staying the proceedings in pursuance of the notice Annex.A1 and order Annex.A1-A. However, no interim relief was granted to the applicant by the Tribunal.

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6. The respondents have filed the reply in which besides challenging the O.A of the applicant on various grounds, they have mentioned that the applicant has been reinstated vide order dated 9.2.99 and he has joined duties on 15.2.99. It is also stated by the respondents that the enquiry against the applicant has come to a final stage and decision would be taken at the proper time. Therefore, the O.A deserves to be dismissed.

7. We have considered the rival arguments, pleadings of the parties and arguments of the learned counsel for the parties.

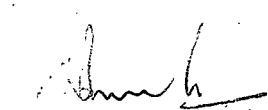
8. The applicant has not disputed the averments that the enquiry is progressing against him and that he has been reinstated in service. In view of this, we feel that the applicant's second prayer relating to reinstatement has been administratively granted by the respondents. The enquiry against the applicant was initiated as per the observations of the Tribunal, therefore, it cannot be said that the enquiry is without any foundation. In view of this the O.A deserves to be disposed of with the direction that the respondents shall conclude the enquiry at the earliest and communicate the decision to the applicant as early as possible. The O.A deserves to be accepted in part accordingly.

9. The O.A is, therefore, disposed of with a direction that the respondents shall conclude the inquiry which has been initiated against the applicant in pursuance of the notice dated 3.12.98 (Annex.A1), within a period of two months from the date of communication of this order and shall also communicate the order <sup>passed in</sup> the enquiry to the applicant at the earliest thereafter. The O.A is, therefore, disposed of accordingly.

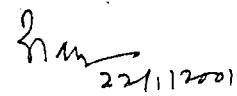


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10. No costs.

  
(N.P.Nawani)

Member (A).

  
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(A.K.Mishra)

Member (J).