

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 248 of 1998.

DATE OF DECISION... 31-3-1999.

Sri Madan Chandra Gayari

(PETITIONER(S))

Sri M. Chanda.

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Sri A. Deb Roy, Sr.C.G.S.C.

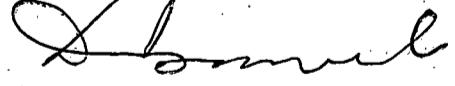
ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE CHAIRMAN.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 248 of 1998.

Date of Order : This the 31st Day of March, 1999.

Justice Shri D.N.Baruah, Vice-Chairman.

Shri G.L.Sanglyine, Administrative Member.

Shri Madan Chandra Gayari,
Son of late Galar Ram Gayari,
resident of Tarun Nagar,
Guwahati-5.

... Applicant.

By Advocate Shri M.Chanda.

- Versus -

1. Union of India,
through the Secretary to the Govt. of India,
Ministry of Telecommunications,
Department of Telecommunications,
New Delhi.

2. Director General,
Department of Telecommunications,
Government of India,
Sanchar Bhawan,
New Delhi.

3. Chief General Manager,
Telecom., N.E.Circle,
Shillong.

4. The Chief General Manager,
Telecom, Assam Circle,
Guwahati-7.

... Respondents.

By Advocate Shri A.Deb Roy, Sr.C.G.S.C.

O R D E R

BARUAH J.(V.C)

This application has been filed by the applicant seeking certain directions and challenging the action of the respondents in not giving him proper seniority and also not sending him for training. The case of the applicant is that he is an employee of the Telecom department. According to the applicant he was qualified for Pre-Promotion Training for Junior Telecom Officer. He also qualified for undergoing training in the year 1989. However, he

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could not undergo the training due to his sickness. Thereafter, the applicant was not sent for training in spite of repeated requests made by the applicant to the authorities. In 1991 at the request of the applicant he was ordered to undergo training on the condition that he would be required to work in the North East Circle. Being not satisfied the applicant approached this Tribunal by filing O.A.No.59/96. The said O.A. was disposed of by an order dated 2.7.1997 striking off the condition imposed and directed the respondents to consider his proper seniority. Before filing of this application a departmental enquiry was initiated by serving article of charges. The said departmental proceeding is still pending. Thereafter on a number of occasions the applicant requested the authority to send him for training and fix his seniority properly. Pursuant to the order passed by this Tribunal in O.A.59/96 the authority passed an order dated 11.6.1998 rejecting the claim of the applicant. His seniority position was ^{also} not counted properly. His seniority position was ^{also} not counted properly. Being aggrieved the applicant submitted Annexures 7 and 8 representations. Those representations have not yet been disposed of. Hence the present application.

2. In due course the respondents have entered appearance and filed written statement. In the written statement the respondents have stated that the applicant was qualified for Pre-Promotion Training for Junior Telecom Officer, however, he could not be sent for training as the departmental proceeding is still pending. Besides, his seniority position could not be settled as he required to qualify in the training. As he was not sent for training because of the pendency of the departmental proceeding.



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the question of fixation of seniority would not arise.

3. We have heard Mr M.Chanda, learned counsel for the applicant and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents. Mr Chanda prays for an order directing the respondents to send the applicant for training. As the matter relates to disciplinary proceeding we have decided today to consider the entire O.A. Mr A.Deb.Roy, learned Sr.C.G.S.C submits that pendency of the disciplinary proceeding is standing on the way of fixation of seniority and sending the applicant for training. Mr Deb Roy further submits that if on conclusion of the disciplinary proceeding the applicant is exonerated from the charges surely he would be sent for training and his seniority would be fixed from the due date. In para 14 of the written statement also the respondents have stated as follows :

" If the applicant is exonerated in the ongoing Departmental inquiry and complete the training successfully he will be placed with the J.T.O. appointed against vacancies of that year. Since the Training of the applicant was postponed on administrative ground the period when he will undergo training will not affect his seniority."

Now the question is when the departmental proceeding will come to an end. It is a very sad thing that as far back in 1993 the departmental proceeding was initiated by submitting the charge sheet and till now it has not been completed. We feel that before considering other aspects let the authority complete the disciplinary proceeding. Therefore, we dispose of this application with direction to the respondents to complete the disciplinary proceeding as early as possible at any rate within a period of 3 months from the date of receipt of this order. On conclusion of

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the disciplinary proceeding the seniority will be fixed as per rules. If the applicant is still aggrieved he may approach the appropriate authority, if so advised.

The application is disposed of with the above order. In the facts and circumstances of the case, we make no order as to costs.

G.L.Sanglyine
(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER

D.N.Baruah
(D.N.BARUAH)
VICE CHAIRMAN