

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::::GUWAHATI-5.

O.A.NO. 101 of 1998

DATE OF DECISION. 18-12-1998.....  
(At Agartala)

Shri Anirban Nandi

(PETITIONER(S))

Mr.B.K.Sharma

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr.G.Sarma, Addl.C.G.S.C.

ADVOCATE FOR THE  
RESPONDENTS.

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

THE HON'BLE Mr.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.101 of 1998.

Date of Order : This the 18th Day of December, 1998.

(At Agartala)

Hon'ble Justice Shri D.N.Baruah, Vice-Chairman.

Hon'ble Shri G.L.Sanglyine, Administrative Member.

Shri Anirban Nandi,  
Lower Division Clerk  
(attached to Tripura Central Division)  
C.P.W.D., Agartala Air Field, ~~of Mokham~~  
~~Rawteipunuk~~, West Tripura. . . . Applicant

By Advocate Sri B.K.Sharma.

- Versus -

1. Union of India  
represented by the Secretary  
to the Government of India,  
Ministry of Urban Development,  
New Delhi.
2. The Superintending Engineer,  
C.P.W.D., Silchar Central Circle,  
Mala-Gram, Malugram, Silchar.
3. The Executive Engineer, C.P.W.D.,  
Agartala Airport, Agartala West,  
Tripura.
4. The Assistant Engineer,  
Tripura Central Sub-Division-II,  
C.P.W.D., Fatikcherra, BSF Camp,  
West Tripura. . . . Respondents.

By Advocate Sri G.Sarma, Addl.C.G.S.C.

O R D E R

BARUAH J. (V.C)

This application has been filed by the applicant challenging the continuance of the departmental proceeding and also seeking certain reliefs. The facts for the purpose of disposal of this application are :-

The applicant was served with a charge sheet and the statements of imputation under Rule 14 of the CCS(CCA) Rules asking him to show cause as to why he should not be punished under the provisions of Rules. Simultaneously he was put under

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suspension. The applicant submitted reply to the show cause within time. But the authority was not satisfied with his reply and decided to hold an enquiry. Accordingly an Enquiry Officer was appointed. The said departmental proceeding was initiated as far back on 15.9.1994 as per Annexure-14. The suspension order continued further. Thereafter, there was no further progress of the departmental proceeding.

2. Being aggrieved, the applicant preferred an appeal before the appellate authority - the Superintending Engineer, Silchar Central Circle, C.P.W.D., Silchar. The appeal was not disposed of. Situated thus the applicant filed an application before this Tribunal (O.A.120/95). In due course the said O.A. was heard and disposed of by an order dated 18.7.1995 giving certain directions. In the last paragraph of the order, this Tribunal gave the following direction. We quote :-

"We therefore, direct the respondent No.2 to hear and dispose of the appeal of the applicant dated 4.5.95 (Annexure-16) to the O.A. on merits within a period of four weeks from the date of receipt copy of this order. The respondent No.2 shall convey the decision to the applicant."

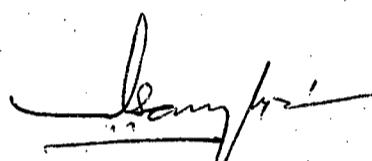
The appeal was not been disposed of at the time of filing of this application. Being highly aggrieved and dissatisfied, the applicant has filed the present application for failure of the respondent No.2 to comply with the directions given by this Tribunal in the said order. After filing of this application, the respondents revoked the order of suspension by an order dated 23.7.98. The applicant's grievance about the maintainability of the disciplinary proceeding is yet to be disposed of. Hence the present application.

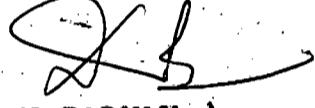
3. We have heard Mr B.K. Sharma, learned counsel appearing on behalf of the applicant and Mr G.Sarma, learned Addl.C.G. S.C for the respondents. Mr B.K.Sharma submits that the

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authority most unreasonably and unfairly has kept the disciplinary proceeding pending in consequence whereof, the applicant is suffering. Mr G. Sarma also does not dispute that submission. On hearing the counsel for the parties we dispose of this application with a direction to the respondent No.2, i.e. Superintending Engineer, Silchar Central Circle, C.P.W.D., Silchar to dispose of the appeal filed by the applicant within a period of one month from the date of receipt of this order.

With the above order the application is disposed of. No order as to costs.

  
( G.L. SANGLYINE )  
ADMINISTRATIVE MEMBER

  
( D.N. BARUAH )  
VICE CHAIRMAN