

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH,
JABALPUR

O.A. No. 73 of 2006

Jabalpur, this the 28th day of February, 2006

Hon'ble Shri Justice G. Sivarajan, Vice Chairman

K.L. Seth, S/o. Late Shri Dwarka
Prasad Seth, aged about 66 years,
R/o. 5/2, Theatre Road,
Cantonment, Jabalpur (M.P.). Applicant

(By Advocate – Shri M.K. Verma)

VERSUS

1. Union of India, through the Secretary,
Ministry of Defence, Government of
India, New Delhi.
2. The Engineer In-Chief,
Military Engineering Service, Army
Headquarters, Kashmir House,
Rajaji Marg, New Delhi.
3. The Chief Engineer,
Jabalpur Zone, MES, Bhagat Marg,
Jabalpur (MP). Respondents

(By Advocate – Shri R.S. Siddiqui)

ORDER (Oral)


Heard Mr. M.K. Verma, learned counsel for the applicant and Shri R.S. Siddiqui, learned Senior Central Government Standing counsel for the respondents.

2. In this case the applicant is aggrieved by the alleged undue delay in the matter of completion of the disciplinary proceedings initiated against him, subsequent to the direction issued by the Tribunal in its order dated 6th November, 2000 in OA No. 489/1999 and the order passed by the President of India on 22.1.2001 (Annexure A-2). The applicant wants to quash the disciplinary proceedings initiated, on the ground stated above.

3. Having heard the counsel for the parties, I am of the view that the only course open at this stage is to direct the respondents to expedite the disciplinary proceedings now pending before the concerned respondent. Accordingly, this OA is being disposed of with directions at the admission stage itself.

4. The applicant was originally dismissed from service as per order dated 8.7.1997 pursuant to the disciplinary proceedings initiated in the year 1991. The said dismissal order was set aside by this Tribunal as per order dated 6.11.2000 in OA No. 489/1999. Opportunity was given to the respondents to proceed with the disciplinary action in respect of certain matters directed therein and to take a decision with regard to the continuation of the proceedings within two months. Accordingly, the President of India has issued an order dated 22.1.2001 (Annexure A-2) by which the applicant was reinstated in service with all consequential benefits as per rules and further ordered that the case be remitted back to the enquiry officer for further enquiry and report. Enquiry officer and presenting officers were also appointed by separate orders on 27th April, 2001 (Annexure A-3 and Annexure A-4). However, it so happened that the enquiry officer had to be changed. It took sometime in this process. Now as per communication dated 5.7.2005 (Annexure A-9) another officer Shri L.R. Soni was appointed as enquiry officer. The daily order sheet (Annexure A-10) shows the details of proceedings conducted.

5. The counsel for the applicant states that thereafter also some proceedings went on till 7th January, 2006 and the proceedings are being further adjourned due to non-availability of the presenting officer. The counsel has also placed before me the daily order sheets No. 5 dated 10.12.2005 and No. 6 dated 7th January, 2006. It would appear that the proceedings were being adjourned for no fault of the applicant. If the proceedings are kept pending and if these circumstances prevail on there is no guarantee that the proceedings will culminate in the near future. The applicant had already retired from service as early as in 1999 and the proceedings are pursued notwithstanding the above.



6. In these circumstances, it will be too harsh to keep the disciplinary proceedings pending for a long time. Hence, there will be a direction to the concerned respondents among the respondents in this OA to expedite the completion of the disciplinary proceedings initiated against the applicant. At any rate it must be completed within a period of four months from the date of receipt of this order. The respondents will take all steps for ensuring the presence of the Enquiry Officer, Presenting Officer etc. and for compliance of this direction. The applicant will also have to cooperate with the respondents without seeking for any adjournment except for exceptional reasons.

7. The OA is disposed of as above at the admission stage itself. The applicant will produce a copy of this order before the concerned respondent within two weeks from today for compliance. The Senior Standing counsel will also ensure that the copy of this order along with a copy of this application together with annexures is furnished to the respondents without any further delay.

(G. Sivarajan)
Vice Chairman

"SA"

पूरांकन सं ओ/न्या.....जबलपुर, दि.....

पलिविनि भाने धित:-

- (1) सति, उपाय न्याय न्याय न्याय न्याय, जबलपुर
- (2) उपाय न्याय न्याय न्याय न्याय, जबलपुर
- (3) प्र न्याय न्याय न्याय न्याय, जबलपुर
- (4) न्याय न्याय न्याय न्याय न्याय, जबलपुर

सूचना एवं आवेदन के समीक्षा के लिए
उप निरीक्षक

M.K. Verma Bar & BS
R.S. Sidique Bar & BS

3/3/06