

Central Administrative Tribunal
Jabalpur Bench

OA No.788/05

Friday this the 24th day of March, 2006

C O R A M

Hon'ble Dr.G.C.Srivastava, Vice Chairman
Hon'ble Mr.G.Shanthappa, Judicial Member

Jeevandas Jaiswal
S/o late Shri Durga Prasad Jaiswal
R/o 87, APR Colony
Katanga, Jabalpur.

(By advocate Shri V.Tripathi)

Versus

1. Union of India through
Its Secretary
Ministry of Defence
New Delhi.
2. Engineer-in-Chief
Army Headquarters, Central Command
Lucknow.
3. Chief Engineer
Engineering Branch
Headquarters
Central Command, Lucknow.
4. Chief Engineer
Military Engineering Services
Jabalpur Zone, MH Road
Jabalpur.
5. The Commander Works Engineer (CWE)

Supply Marg, Cantonment
Jabalpur.

Respondents

(By advocate Shri R.S.Siddiqui)

ORDER (oral)

By Mr.G.Shanthappa, Judicial Member

The above application has been filed under Section 19 of the A.T.Act, seeking the following reliefs:

- (i) Set aside the disciplinary proceedings because of unreasonable, improper and unjustified delay in not concluding the same despite liberty given by the courts.
2. The applicant retired on 29.6.02. There was departmental enquiry against him. The applicant has approached the Hon'ble High Court of M.P. against the order of this Tribunal in OA 312/96. The High Court in their order dated 14.9.04 in W.P.7714/2004 was pleased to allow the WP and modified the order dated 15.3.2002 passed by this Tribunal in the OA. Para 6 of the order dated 14.9.2004 reads as follows:

“6. We, therefore allow this writ petition and modify the order dated 15.3.2002 passed by the Tribunal in OA No.312/96 as follows:

- (a) The order dated 10.3.1995 imposing penalty on the petitioner is set aside. As a consequence, the petitioner will be entitled to all consequential monetary and other benefits.
- (b) Liberty is however reserved to the disciplinary authority to resume the enquiry from the stage of furnishing copy of inquiry report and issue a show cause notice and pass a fresh order as per law. Consequently, the fresh charge-sheet (issued in pursuance of order dated 15.3.2002 of the



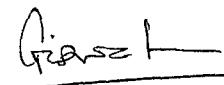
Administrative Tribunal) and any inquiry in pursuance of it are declared to be invalid.

(c) Parties to bear their respective costs."

3. As per the direction of the Hon'ble High Court, the respondents have issued a show cause notice dated 5.5.05. The applicant submitted his representations dated 17.5.05 and 20.7.2005. The direction of the High Court was, as referred in the earlier para (b). The disciplinary authority so far has not passed any order. We direct the disciplinary authority to consider the representations dated 17.5.05 and 20.7.2005 (A-7 & A-6 respectively) and comply with the directions of the Hon'ble High Court within a period of 2 months from the date of receipt of this order.

4. With the above observations, the OA is disposed of.


(Q. Shanthappa)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

aa.

प्रतांकन रो/व्हा..... जवलपुर, बि.....
परिविधि अधीक्षितः—

- (1) अधीक्षित, उपर्युक्त अधीक्षित, जवलपुर
- (2) अधीक्षित, उपर्युक्त अधीक्षित, जवलपुर
- (3) प्रवक्ता, उपर्युक्त अधीक्षित, जवलपुर
- (4) उपर्युक्त अधीक्षित, जवलपुर

सूचना द्वारा अधीक्षित, जवलपुर

V. Tr, 8/9/06, 22/7/06
R.S. 8/22/06
22/7/06


30/3/06