

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH.
JABALPUR

Original Application No. 264 of 2004

Indore, this the 27th day of April, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Robert Hrangdawla, IAS, Principal Secretary,
Labour Department, Government of Chhattisgarh,
DKS Bhavan, Mantralaya, Raipur (CG). Applicant

(By Advocate – Shri Ranbir Singh)

V e r s u s

1. Union of India, through its Secretary,
Home Affairs, New Delhi – 01.
2. State of Chhattisgarh, through the Chief
Secretary, DKS Bhavan, Mantralaya,
Raipur (CG).
3. State of Madhya Pradesh, through -
The Chief Secretary, Government of
Madhya Pradesh, Bhopal (MP).
4. Ram Prakash Bagai, Addl. Chief
Secretary, Government of Chhattisgarh,
Home Department & Commissioner,
Parivahan, DKS Bhavan, Mantralaya,
Raipur (CG). Respondents

(By Advocate – Shri S.P. Singh for respondent No. 1 and Shri Ajay Ojha
On behalf of respondent No. 2)

O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application the applicant claimed the following main reliefs :

“(1) The petitioner humbly prays to quash the entire proceedings of Departmental Enquiry which is kept undecided for unreasonably



long period of more than 5 years and further the charges as leveled against the petitioner as per Annexure A-3 may kindly be quashed,

(2) The petitioner further prays for quashing the impugned order of promotion Annexure P-31 being illegal and malafide,

(3) The petitioner further prays to promote him on the higher post of Addl. Chief Secretary in the pay scale of Chief Secretary, being senior to respondent No. 4."

2. The brief facts of the case are that the applicant is a member of the IAS appointed by direct recruitment in the year 1970. While working in the former State of Madhya Pradesh as Secretary, MP Government SC/ST and Backward Welfare Department cum Managing Director of MP Adivashi Vit and Vikas Nigam, Bhopal, he was served with a charge sheet dated 20.3.1998 for certain misconducts after lapse of 4 years of the so called incident of 1994-95. He was not supplied with the copies of the relevant documents. He submitted his reply against the charges on 1.8.1998. The enquiry officer and presenting officer were appointed. The enquiry proceedings were conducted in utter violation of the statutory rules. The evidence of both the parties have been closed in the month of October, 1999. After submission of the written brief no further action is known to the applicant till 20.2.2004 and also till the date of filing of this petition, while the Government of MP has fixed the time limit of one year for completion of the departmental enquiry. Hence, this Original application is filed.

3. Heard the learned counsel for both the parties and carefully perused the pleadings and records.

4. It is argued on behalf of the applicant that regarding the alleged charges of 1994-95 the charge sheet was issued to the applicant on 20.3.1998 i.e. after lapse of about 4 years. This delay is not explained by the respondents. The applicant submitted his reply within the due time. The applicant was also not supplied with the copies of the relevant documents by the respondents. The whole enquiry proceeding adopted by



the enquiry officer is in utter violation of the mandatory rules. The applicant is going to be retired by the end of this month of February, 2005. Even after the expiry of about 10 years this enquiry is not completed by the respondents from the date of the alleged incident while the applicant has denied all the charges. Hence, this Original Application deserves to be allowed.

5. In reply the learned counsel for the respondent No. 2 i.e. the State of Chhattisgarh has argued that the applicant was serving under the Government of Madhya Pradesh during the relevant time i.e. during the years 1994-95. Upon coming into being of the State of Chhattisgarh on 1.11.2000 the applicant's services were allocated to the State of Chhattisgarh and the departmental enquiry till then was conducted by the State of MP. On 26.2.2004, the matter regarding promotion of officers of IAS belonging to Chhattisgarh cadre was taken up by the DPC. The name of the applicant alongwith respondent No. 4 came up for consideration. The applicant was not promoted as departmental enquiry was pending against him. The committee's recommendation regarding the applicant's promotion was kept in the sealed cover according to the directions. All the records are in possession of the Government of Madhya Pradesh and which are not supplied to the answering respondents so far, while several letters were issued by the answering respondents to the State of MP. Hence, the respondent No. 2 cannot proceed further with the matter.

6. No return has been filed by the State of Madhya Pradesh.


7. After hearing the learned counsel for the respondent No. 1 Union of India and respondent No. 2 State of Chhattisgarh, we find that the State of Chhattisgarh has issued several letters to the State of Madhya Pradesh to supply the relevant documents relating to the departmental enquiry proceedings pending against the applicant. The learned counsel for the applicant and also the counsel for the respondent No. 2 i.e. the State of Chhattisgarh submitted that directions be given to the Government of




Madhya Pradesh to supply all the relevant concerned documents to the Government of Chhattisgarh within a stipulated time and thereafter the State of Chhattisgarh be directed to conclude the departmental enquiry proceedings pending against the applicant within a specified time and if the departmental enquiry proceedings are not completed within the said time period it shall be deemed to have been abated.

8. We have carefully perused the records and pleadings and find that the applicant's date of birth is 2.2.1945 and it means that the applicant must have been retired with effect from 28.2.2005. Since the applicant has retired on attaining the age of superannuation the disciplinary proceedings started against him under the All India Services, 1989 cannot be proceeded any further. In this view of the matter, the respondents are directed to proceed against the applicant in terms of the relevant rules and pass the necessary orders within a period of four months from the date of communication of this order.

9. Accordingly, the Original Application stands disposed of in terms of the aforesaid directions. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

पृष्ठान्कन से ओ/व्या.....जबलपुर, दि.....

परिचालिका का निवास:-

(1) सचिव, उच्च न्यायालय, जबलपुर

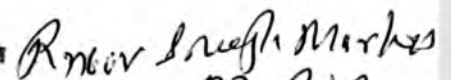
(2) आचार्य, उच्च न्यायालय, जबलपुर के काउंसिल

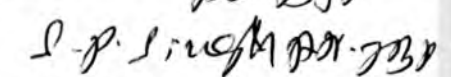
(3) प्रमुख, उच्च न्यायालय, जबलपुर के काउंसिल

(4) कानून, उच्च न्यायालय, जबलपुर के काउंसिल

सूचना एवं जनसम्पर्क विभाग, उच्च न्यायालय, जबलपुर

उप सचिव


R. Singh
BJP


S.P. Singh
BJP

Issued
on 6.5.05
