

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT BILASPUR

Original Application No. 529 of 2004

Bilaspur, this the 28th day of July, 2005

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

P.K. Raghava
S/o M.S. Mahir
Aged about 42 years,
Lower Division Clerk,
SECL, Kendriya Vidyalaya,
Jhagarkhan, District Korea
Chhattisgarh.

APPLICANT

(By Advocate - None)

V E R S U S

1. The Commissioner,
Kendriya vidyalaya Sangathan,
18, Institutional Area,
Shaheedjeet Singh Marg,
New Delhi.
Trhoguh it's Commissioner,
2. The Assistant Commissioner.
Kendriya vidyalaya,
Jabalpur Region, Regional Office,
GCF Estate,
Jabalpur.
3. The Assistant Commissioner,
Kendriya vidyalaya Sangathan,
Delhi Region, JNU Campus
New Mehrauly Road,
New Delhi 110 067.
4. The Principal,
Kendriya vidyalaya,
SECL Jhagarkhand, District Korea,
Chhattisgarh.

RESPONDENTS

(By Advocate - Shri M.K. verma)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application, the applicant
has sought the following main reliefs :-

- "ii) To quash and set aside the impugned order
dated 27/28.1.2003 Annexure-A/1.

OR

Direct the respondents to complete the
departmental enquiry which was initiated
vide Annexure A-1 in a time bound manner.

2. The brief facts of the case are that the applicant

was is an LDC in vishesh Kendriya vidyalaya, Ghaziabad and he

was issued a charge sheet on 27.1.2003 (Annexure-A-1) under rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965 as extended to the employees of Kendriya Vidhyalaya Sangathan. He was placed under suspension vide order dated 30.1.03 and the suspension of the applicant was revoked vide order dated 4.2.2003 (Annexure-A-7) and he has been transferred to Kendriya Vidhyalaya ^{Mr. Jagannathan (Chhatrapati)} ~~Thakhand~~. By filing this OA, the applicant has sought a direction to quash and set aside the order dated 27/28.1.2003 whereby a charge-sheet was issued to him, alternatively to complete the departmental enquiry which was initiated vide Annexure-A-1 in a time bound manner. Till now the departmental enquiry has not been completed by the respondents. Hence, this OA.

3. None is present on behalf of the applicant. Since, it is an old matter of year 2004, we are disposing of this OA by invoking the provisions of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

4. The respondents in their reply have stated that " the charge sheet cannot be challenged on its vagueness and correctness has levelled the allegation of malice against the respondents." As per law laid down by the Hon'ble Supreme Court in the case of Union of India & Ors. Vs. Upendra Singh, 1994 (27)ATC 200, examination of correctness of the charges is beyond the jurisdiction of the Tribunal. In view of the above law laid down by the Hon'ble Supreme Court, the Court and Tribunal should not normally interfere with the enquiry proceedings. However, we find that the departmental enquiry proceedings has been initiated against the applicant in January, 2003 and more than 2 years have already been elapsed and the enquiry proceedings have not yet been completed. The learned counsel for the respondents has submitted that he is not aware about the stage of the enquiry.

5. In view of the facts mentioned above, the ends of



justice would be met if we direct the respondents to complete the enquiry proceedings within a time frame. Accordingly, we direct the respondents to complete the enquiry against the applicant within a period of 6 months from the date of receipt of a copy of this order and the applicant is also directed to co-operate with the enquiry proceedings. In case the applicant does not co-operate with the enquiry officer in the enquiry proceedings, the respondents are at liberty to come to the Tribunal for extension of time to complete the enquiry proceedings.

6. With the above directions, the OA stands disposed of.
No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

skm

प्रमाणित से ओ/न्या.....जयपुर, दि.....
पतिलिपि अर्जित:-

- (1) सचिव, उच्च न्यायालय बार एसोसिएशन, जयपुर
- (2) आवेदक श्री/श्रीमती/शु.....के माउसल
- (3) प्रत्यर्थी श्री/श्रीमती/शु.....के माउसल
- (4) कोषपाल, कोषा, जयपुर न्यायाधीश
सूचना एवं आवश्यक कार्यवाही हेतु

11/01/8 उप रजिस्ट्रार

Mangal Sharma
M.K. Verma
2038
2030

Filed
3-8-85