

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 479 of 2003

Jabalpur, this the 14<sup>th</sup> day of August, 2003.

Hon'ble Mr. J.K. Kaushik, Judicial Member  
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Kamleshwar Kumar Jain s/o late  
Shri Bhaiyalal Jain, aged 60  
years, Sr. Store Supdt.,  
C.O.D. Jabalpur (MP)

APPLICANT

(By Advocate - Shri R.K. Gupta Sr. Adv. holding brief of  
Shri S.K. Pathak) VERSUS

1. Union of India, through  
the Secretary, Ministry of  
Defence, South Block, New Delhi
2. Director General of Ordnance  
Services, Army Head Quarter,  
DHQ PO, New Delhi.
3. Officer-in-Charge, AOC Records,  
Trimugherry Post, P.B.No.3,  
Secunderabad - 500 015
4. The Commandant, Central Ordnance  
Depot, Jabalpur (MP)

RESPONDENTS

O R D E R

By J.K. Kaushik, Judicial Member -

Shri Kamleshwar Kumar Jain has filed this Original Application challenging the impugned memorandum dated 11.06.2002 (Annexure A/1) and has also asked for quashing of the complete proceedings and also release of his retiral dues.

2. The brief facts of the case are that the applicant is working on the post of Ordnance Officer Civilian (Store) in the respondent Depot. He was on the threshold of retiring age on completion of the age of superannuation/on 31.07.2003. There were frequent instances of theft and losses of the items in the Depot at many occasions mostly

on holidays and Sundays when no civilians are there. A theft was also conducted on 14.04.2001 and 15.04.2001 and it was reported that there was a loss of about 120 quantity of Head Rammer Cleaning valuing a sum of Rs. 19,000/- as scrap value. The applicant was not on duty on that date but he was served with a charge sheet dated 11.06.2002 (Annexure A/1). After he submitted the reply the matter was closed by the Management and he was also considered for promotion as OOC(S) as his ACR was rated good. Thereafter he was served with a posting order from the competent authority, which is Annexure A/3 to the OA. He was hopeful to join at the new assignment but the respondent No. 4 did not allow him to join and allowed his juniors to join. He made representations but of no vain. He filed Original Application No. 833 of 2002 and which came to be disposed of with a direction to the respondents.

3. The further case of the applicant is that the respondents started an enquiry against the applicant after the rejection of his representation. A charge sheet was issued to him without approval of the competent authority. He demanded certain relevant documents but he was not supplied with the same. There was a long gap and after considerable time the enquiry was again stated on 22.04.2003 and by the time he has retired the same has not been finalised. The Original Application has been filed on number of grounds pointing out certain illegalities in proceeding with the enquiry.

4. The Original Application was listed for admission and we have heard the learned counsel for the applicant and have carefully perused the records of this case. The



learned counsel for the applicant has submitted that the enquiry is going on but the respondents are delaying it and in view of the decision of the Hon'ble Supreme Court in the case of State of Madhya Pradesh Versus Bani Singh/<sup>and Anr.</sup> reported in AIR 1990 SC 1308 the very charge sheet therefore should be quashed on the point of delay itself, since the charges relates to an incident which took place 2 years prior to issue of the charge sheet. The complete exercise has been to harass the applicant for none of his faults rather they want to save the actual culprits.

5. We have considered the contentions and submissions made by the learned counsel for the applicant. As is submitted by the learned counsel for the applicant as well as it is evident from the records that the enquiry is in progress. No ground has been made out for showing that the charge sheet is without jurisdiction or the action of the respondents is ab-initio-void. As far as the charges are concerned an amount of Rs. 19,000/- is involved and it would not be appropriate to set-aside the very charge sheet on the ground of delay. On the other hand we find that there is <sup>no</sup> force in the contention of the learned counsel for the applicant that the disciplinary proceeding is being delayed. The significance of expeditious disposal and completion of the disciplinary proceeding have been examined in by the Hon'ble Supreme Court in the case of State of Rajasthan Versus B.K. Meena reported in AIR 1997-SC Page 13, wherein in para 14 and 15 it has been clearly held that it would be in the interest of administration as well as the delinquent employee that the enquiry is finalised at an early date. But in the present case more

*Dr*

than a year has already been elapsed and the enquiry is in progress only. In this view of the matter it would be appropriate to dispose of the case in the following terms :

The Original Application is partly allowed. The respondents are directed to expedite the disciplinary proceedings being held against the applicant and conclude the same within a period of 6 months from the date of receipt of copy of this order. Let a copy of this Order alongwith the paper book be supplied to the respondents for their necessary action. The Original Application stands disposed of accordingly in limine at admission stage itself.

*Anand Kumar Bhatt*  
(Anand Kumar Bhatt)  
Administrative Member

*J.K. Kaushik*  
(J.K. Kaushik)  
Judicial Member

"SA"

पूरांकन से ओ/न्या.....जबलपुर, दि.....

प्रतिलिपि अर्गेंटिल:-

(1) सचिव, उच्च न्यायालय वाराणसी, जबलपुर

(2) सचिव, श्री/श्रीमती/श्री/श्रीमती के कार्यालय

(3) सचिव, श्री/श्रीमती/श्री/श्रीमती के कार्यालय

(4) कोषाध्यक्ष, दफ्तरे न्यायाधीश, जबलपुर

सूचना एवं आगमनांक वगैरह

*S.K. Pathak*  
*RESPAO-3 with petition*

*J.K. Kaushik*  
27/8/03

*Issued*  
*on 28.8.03*  
*B3*