

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 2 of 2001

Jabalpur, this the 13th day of May, 2004

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

Shri S.S. Nimje, Aged 47 years,
S/o Sakharam Nimje,
Qr.No.3053, Type-C,
Ordnance Factory, Itarsi

APPLICANT

(By Advocate - Shri S.K. Nagpal)

VERSUS

1. Union of India,
Through: the Secretary,
Govt of India, Ministry of Defence
Dept. of Defence Production,
New Delhi.
2. Chairman,
Ordnance Factory Board,
Ayudha Bhawan, 10-A,
Shaheed Khudiram Bose Road,
Calcutta - 700 001
3. General Manager,
Ordnance Factory,
Itarsi, M.P.

RESPONDENTS

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought the following main relief :-

"i). quash the charge-sheet/Memorandum dt.16.9.99 Annexure-A-1 and also the order(s) of appointing enquiry officer for initiating enquiry vide order dt.17.10.99 Annexure-A-2 and further hold that the action of the respondents in initiating enquiry proceedings after lapse of so many years is not tenable and the action initiated is illegal and arbitrary and cannot be sustained".

2. The brief facts of the case are that the applicant is working as Chargeman Gr.I(Tech) in the Ordnance Factory Itarsi. A charge sheet was issued to him for committing gross misconducts for not ensuring patrolling of building after completion of production and not handing over the plant in running condition in violation of instruction

from Head of Section.

3. Heard the learned counsel for the parties.
4. In this case the enquiry has been completed by the enquiry officer on 30.8.2001 holding the charge as not established. The disciplinary authority has not agreed with the findings of the enquiry officer and recorded a disagreement note. A copy of the enquiry report along with the note of disagreement was served upon the applicant on 6.3.2003. On 13.4.03 the applicant has submitted his representation against the findings of the enquiry officer and the note of disagreement. Now, the disciplinary authority is required to pass the final order. The learned counsel for the applicant has stated that the disciplinary authority has taken such a long time in conducting the enquiry. Till now, they have not taken any decision. Because of this, further promotion of the applicant to the next higher grade is adversely affected. He has, therefore, submitted that a direction be given to the respondents to take a final decision in the matter as expeditiously as possible.
5. In the facts and circumstances, we direct the disciplinary authority to pass a final order, within 4 months from the date of receipt of copy of this order. In case no order is passed by the disciplinary authority within 4 months from the date of receipt of copy of this order on the representation of the applicant against the note of disagreement recorded by the disciplinary authority, the enquiry against the applicant should be treated as closed and the applicant will be entitled to all consequential benefits. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman