

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI :: 5.

ORIGINAL APPLICATION NO. 35/94 199

MISC.PETITION/CONTEMPT PETITION/REVIEW APPLICATION NO. (O.A.)

Sree A.K. Sinha

APPLICANT (S)

VERSUS

CLOT 205.

RESPONDENT (S)

Mr. G.K. Bhattacharya, Mr. G.N. Das,

ADVOCATE FOR
APPLICANT (S)

Mr. B. Chakrabarty

Mr. A.K. Choudhury

Add. C.G.S.C.

ADVOCATE FOR
RESPONDENT (S)

OFFICE NOTE

DATE

COURT'S ORDER

1.3.94.

Heard learned counsel Mr G.K.

Bhattacharyya on behalf of applicant
Shri A.K.Sinha. Perused the statement
of grievances and reliefs sought for
in this application. Also heard learned Addl.C.G.S.C.Mr.A.K.Choudhury.

Applicant Shri A.K.Sinha is
facing disciplinary proceeding pursuant
to Memorandum No.5(28)/92/D(Lab) dated
New Delhi, the 8th July, 1993 accom-
panied by specific charges relating
to period June, 1987. The applicant has
filed written statement contesting the
proceeding. Amongst other grounds in
defence, one is on the point of delay
of proceeding in the year 1993 for
the incident of June, 1987. It is
complained that the disciplinary
authority appointed inquiring autho-
rity to proceed with the inquiry and
appointed presenting officer without
considering the aspect of delay.

By Registrar (S)

contd.

OFFICE NOTE

DATE

COURT'S ORDER

contd. Mr Bhattacharyya submits that the entire proceeding is liable to be quashed on ground of delay.

Upon hearing counsel of the parties and considering the facts and circumstances we do not propose to interrupt at this stage, but direct the authorities as under:

It is directed that the inquiring authority, during the course of inquiry and in drawing up report, shall consider the delay aspect raised in the written statement, and the disciplinary authority shall also consider this aspect while disposing the disciplinary proceeding. We further direct these authorities to dispose of the disciplinary proceeding with final order within nine months from the date of receipt copy of this order. This application is disposed of with the above direction.

Copy of the order be furnished to the counsel of the parties.

BY ORDER

acs

Vice-Chairman

Member

11.3.94

Copy of order dtd. 1.3.94, issued to all concerned by Legd. Port and their counsel also vide dtd. No. 1045-1049 dtd. 15.3.94.

N.S./S

J.W.