

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

ORIGINAL APPLICATION NO. 35/94 199

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

Shri A.K. Sinha

APPLICANT (S)

VERSUS

NOTED

RESPONDENT (S)

Mr. G.K. Bhattacharyya, Mr. G.N. Das,

ADVOCATE FOR
APPLICANT (S)

Mr. B. Chakrabarty

Mr. A.K. Choudhury,
Addl. C.G.S.C.

ADVOCATE FOR
RESPONDENT (S)

OFFICE NOTE

DATE

COURT'S ORDER

This application is in
form and within time.

C. F. of Rs. 50/-

deposited vide

IPO/BD No. 26/05/

Dated 24-2-94

By Registrar (V)

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 accompanied 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 authority to proceed with the inquiry and appointed presenting officer without considering the aspect of delay.

contd.

O.A. 35/94.

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

[Signature]
Vice-Chairman

[Signature]
Member

11.3.94

Copy of order dtd. 1.3.94 issued to all concerned by Regd. Post and their counsel also vide d/o No. 1045-1049 dtd. 15.3.94.