

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

ORIGINAL APPLICATION NO. 59/94 199

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

N.G. Sen

APPLICANT (S)

VERSUS

NGT vs.

RESPONDENT (S)

Mr. B.K. Sharma

ADVOCATE FOR
APPLICANT (S)

Mr. P.K. Tiwari, Mr. B. Mehta

Mr. G. Sarma, Add.
C.G.S.C

ADVOCATE FOR
RESPONDENT (S)

OFFICE NOTE

DATE

COURT'S ORDER

This application is in
form and within time.

C.P. & R.C. 501.

deemed vice

U.P. BD No. 86/164

Dated 1/3/1994

22.3.94

Heard learned counsel Mr
Sharma on behalf of applicant Shr
Nani Gopal Sen. Perused the state
of grievances and reliefs sought
in this application. Learned Addl
C.G.S.C Mr G.Sarma prays for 10 d
time to get instruction. Time all
as prayed for.

List on 6.4.1994 for cons
ideration of admission and further
orders.

Signature
Vice-Chairman

Signature
Member

6.4.94 Heard learned counsel Mr B.K.Shar on behalf of applicant Shri Nani Gopal Sen, Inspector, Central Excise, Agartala Range, Tripura West. Perused the statement of grievances and reliefs sought for in this application. Also heard learned Advocate G.S.C Mr G.Sarma on behalf of respondent.

The disciplinary proceeding against the applicant Shri Nani Gopal Sen has been started vide Memorandum No.II(10)A/4/CON/84/540 dated 5.7.84 (Annexure-A). Although 10 years have passed, the disciplinary proceeding has not been completed.

A De-novo enquiry of the proceeding was ordered by the President of India in the first part of 1987 on ground of inherent technical lacunae amounting to denial of natural justice as expressed in the letter No.II910)A/2/CON/87/401 dated 9th April, 1987 of the Deputy Collector, Customs and Central Excise, Shillong to the Assistant Collector, Customs and Central Excise, Agartala (Annexure-F) to the application. Thereafter also the enquiry has not been completed. In the meantime several junior officers got promotion superseding the applicant to the grade of Superintendent in June 1993 and February 1994 vide order under Annexure J & K. Thus the applicant is suffering irreparable injury for undue/abnormal delay on the part of the respondents to complete the enquiry of disciplinary proceeding. The prayer is now for directions on the respondents to close the enquiry and to promote him to the rank of Superintendent Group 'B' retrospectively from the date when his immediate junior was promoted.

OFFICE NOTE

DATE

COURT'S ORDER

6.4.94

Upon hearing the counsel of the parties and in view of the facts and circumstances narrated above, we consider it just and expedient to pass the interim order:

The respondents No.1, 2 and 3 are directed to complete the enquiry with final orders without fail within 30 days from the date of receipt copy of this order. If the enquiry is not completed within this specified period the disciplinary proceeding/enquiry shall stand quashed.

It is further directed that in the event of termination of the enquiry proceeding in favour of the applicant or due to quashing of the proceeding for reasons indicated above, the respondents No.1, 2 and 3 shall promote the applicant Shri Nani Gopal Sen to the grade of Superintendent Group 'B' with effect from 15.6.93 when his immediate junior was promoted vide B.O. Order No.147/93 dated 15.6.1993 ended under C.No.II(3)5/ET.III/93 dated 19.9.93 disclosed in Annexure-J.

This application is disposed with the above directions.

Communicate all concerned.

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

By order

6.4.94

PG

Vice-Chairman

Member

21.4.94
Copy of order dtd. 6.4.94 issued to all concerned by Regd. Post and their counsel also vide my No. 1676-1683 dtd. 26.4.94

✓ 8/5

(4)

O.A. NO. 59/94

OFFICE NOTE

DATE

CDC T'S ORDER

9.6.1994.

Ref:- DISC. Order No. 1/CIU
UIG/94 C.NO. 11(17)A/2/CON/87
dtd. 24.5.1994.

14.6.94

In pursuance to the
order dtd. 6.4.94 to complete
the enquiry with final orders
within 30 days from the receipt
of the Court Order, the Resp-
resent No. 2, the Deputy
Collector (P&V) Customs &
Central Excise, Shillong has
submitted, the final order
which may kindly be perused
at pg X.

The order was commu-
nicated ~~xxxxxxxxxxxxxx~~

on 20.4.94 and the final order 15.6.94
disposed on 24.5.94 which
is in time.

Laid for favour of
further order.

9/6/94

OFFICER (J).

pg

List tomorrow, the 15.6.94 as
prayed by learned counsel Mr P.K.Tiwa
Inform Addl.C.G.S.C Mr G.Sarma.

AM
Vice-Chair

DR
Member

AM
Learned counsel Mr B.K.Sharma f
the applicant is present. Addl.C.G.S.C
Mr G.Sarma is also present. The discip-
nary proceeding against the applicant
has been disposed of within specified
period pursuant to ~~our~~ our order dated
6.4.94. The applicant is now at liberty
to proceed against the penalty order in
accordance with law.

This application is disposed of

Vice-Chair
Vice-Chairma

DR
Member

pg

AM
15/6

2627-34 dt. 17.6.94