

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD**

OA/021/390/2018

Date of Order : 25.04.2018

Between:

P. Dhananjaya Naidu,
S/o. Late Sri P. Lakshmaiah Naidu,
Aged 61 years,
Occ: Senior Audit Officer (Retd),
R/o. Flat No.205, Bhavana Enclave,
Rajiv Nagar, Near GTS Colony,
Yousufguda Post,
Hyderabad – 500 045.

..... Applicant

AND

1. The Union of India rep. by its Secretary, Ministry of Finance,
137/ North Block,
New Delhi – 110001.
2. The Comptroller and Auditor General of India,
Pocket-9, Deen Dayal Upadhyaya Marg,
New Delhi – 110 124.
3. The Secretary,
Department of Pension & Pensioners' Welfare,
Lok Nayak Bhavan, Khan Market,
New Delhi – 110 003.
4. The Principal Accountant General (Civil Audit),
Telangana State, Saifabad, Near RBI,
Hyderabad – 500 004.

..... Respondents

Counsel for the Applicant
Counsel for the Respondents

: Dr. P.B. Vijaya Kumar
: Mr. V. Vinod Kumar, Sr. CGSC

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDL. MEMBER
THE HON'BLE MRS. MINNIE MATHEW, ADMN. MEMBER

ORAL ORDER

{ Per Hon'ble Mr.Justice R. Kantha Rao, Judl. Member }

Heard Dr. P.B. Vijaya Kumar, learned counsel appearing for the Applicant and Mr. Sambasiva Rao, proxy counsel for the Respondents.

2. The Applicant was a Senior Audit Officer. A charge memo dated 18.10.2016 was issued to the Applicant ten days before his superannuation. He sent a reply to the charge memo on 28.10.2016. The same was not accepted and an Inquiry Officer was appointed on 23.4.2016. The inquiry was completed and the inquiry report was submitted on 03.10.2017. A copy of the inquiry report was served on the Applicant seeking his objections to the inquiry report. The Applicant also submitted his objections to the inquiry report on 23.10.2017. In the meanwhile, the Applicant having attained superannuation, retired from service on 31.10.2016.

3. Though the O.A. was filed seeking the relief of setting aside the charge memo on the ground of delay and also on merits, the learned counsel appearing for the Applicant restricted his submission to a direction to the Respondents to pass a final order within a stipulated period and relied on the judgement of the Hon'ble Supreme Court in **Prem Nath Bali vs Registrar, High Court of Delhi & Another{ (2017) 1 SCC (L&S) 263}** which reads as follows:

“26. Time and again, this Court has emphasised that it is the duty of the employer to ensure that the departmental enquiry initiated against the delinquent employee is concluded within the shortest possible time by taking priority measures. In cases where the delinquent is placed under

suspension during the pendency of such inquiry then it becomes all the more imperative for the employer to ensure that the inquiry is concluded in the shortest possible time to avoid any inconvenience, loss and prejudice to the rights of the delinquent employee.

27.

28. Keeping these factors in mind, we are of the considered opinion that every employer (whether State or private) must make sincere endeavour to conclude the departmental enquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time-frame then efforts should be made to conclude within the reasonably extended period depending upon the cause and nature of inquiry but not more than a year.”

Therefore, we are inclined to dispose of the O.A. on the said limited submission.

4. Consequently, the O.A. is disposed of at the stage of admission directing the Respondents to pass final orders in the departmental inquiry keeping in view the judgement of the Hon’ble Supreme Court relied on by the learned counsel appearing for the Applicant, within a period of three months from the date of receipt of a copy of the order. No order as to costs.

(MINNIE MATHEW)
ADMN. MEMBER

(JUSTICE R.KANTHA RAO)
JUDL. MEMBER

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