

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

OA/20/428/2018

Dated: 27/4/2018

Between:

A.V. Krishna Mohan,
S/o.Dr. Late Dr. A.V. Subbarao,
Aged about 51 years, Group - B
Production Assistant, Doordarshan Kendra,
Vijayawada (A)
R/o. H.No.54-18-35, All India Radio Colony.
Vijayawada – 520 008.

..... Applicant

AND

1. The Union of India rep. by
The Secretary, Ministry of Information & Broadcasting,
Room No.655, “A” Wing Shastri Bhawan,
New Delhi – 110 001.
2. The Chief Executive Officer, Prasar Bharati,
Prasar Bharati House, Copernicus Marg,
New Delhi –110 001.
3. The Director General, All India Radio,
Akashwani Bhawan, Parliament Street, New Delhi110 001.
4. The Director General, Doordarshan,
Doordarshan House, Copernicus Marg, New Delhi – 110 001.
5. The Deputy Director General, (E),
Doordarshan, Punnammathota, Vijayawada.

..... Respondents

Counsel for the Applicant : Dr. P.B. Vijaya Kumar, Advocate
Counsel for the Respondents : Mrs. K. Rajitha, Sr.CGSC
: Mr. I. Koti Reddy, SC
(for R2 to R5)

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 }

The Applicant filed the present O.A. seeking the relief of quashment of the charge sheet dated 19.1.2017 on the ground of delay in initiation of the disciplinary proceedings and also not completing them within a reasonable time.

2. We have heard Dr. P.B. Vijaya Kumar, learned Senior Counsel appearing for the Applicant, Mrs.K. Rajitha, learned Senior Central Government Standing Counsel appearing for Respondent No.1 and Mr. I. Koti Reddy, learned Standing Counsel for Respondents No. 2 to 5.

3. Though the O.A. is filed to quash the charge sheet, the learned Senior Counsel appearing for the Applicant restricted his submissions to the extent of seeking a direction to the Respondents to pass final order in the disciplinary proceedings within a stipulated time.

4. In the instant case, the charge sheet was issued to the Applicant on 19.1.2017. The Applicant submitted reply to the charge sheet on 13.3.2017. An Inquiry Officer was appointed on 1.8.2017 and the inquiry is pending.

5. Learned Senior Counsel appearing for the Applicant 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.”

6. In view of the law laid down by the Hon’ble Supreme Court and having regard to the facts and circumstances of the present case, the Respondents are directed to complete the disciplinary proceedings and pass a final order within a period of four months from the date of receipt of a copy of the order. The O.A. is disposed of accordingly without any order as to costs.

(MINNIE MATHEW)
ADMN. MEMBER

(JUSTICE R.KANTHA RAO)
JUDL. MEMBER

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