

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA/020/558/2018

Date of Order : 15-06-2018

Between :

P.G.K.Murthy S/o Late Sri P.Rajaj Rao Group-B,
Aged about 59 years,
Occ: Programme Executive,
R/o SFI, Satyavathi Apartments,
Punnamma Thota,
Vijayawada-520 010.

....Applicant

AND

1. The Union of India, rep by its Secretary,
Information and Broad casting,
New Delhi 1.
2. The CEO, Prasara Bharati,
Prasara Bharati Secretariate
Tower C, Mandi House, New Delhi 1.
3. The Director General,
Prasara Bharati,
Prasara Bharati Secretariate
Tower C, Mandi House,
New Delhi 1.

...Respondents

Counsel for the Applicant: Mr.V.V.Ramakrishna

Counsel for the Respondents : Mrs. K.Rajitha, Sr. CGSC
Mr. I.Koti Reddy for RR 2 & 3

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDICIAL MEMBER

THE HON'BLE MRS.MINNIE MATHEW,ADMINISTRATIVE MEMBER

(Oral order per Hon'ble Mr.Justice R.Kantha Rao, Judicial Member)

The applicant filed the present O.A for a direction to the Respondents to complete the inquiry proceedings initiated by the 3rd respondent at the earliest. It is submitted by the learned counsel appearing for the applicant that though the enquiry proceedings were initiated on 19.01.2017 by appointing an inquiry officer, so far the enquiry has not been commenced.

2. Having regard to the submissions made by the learned counsel, we are of the view that there is delay in commencing and concluding the enquiry proceedings. The charge sheet was issued to the applicant on 19.01.2017. The applicant submitted reply to the charge sheet on 16.03.2017. An Inquiry Officer was appointed on 01.08.2017 and the inquiry is pending.

3. Learned counsel appearing for the applicant relied on the judgment 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."

4. 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)
ADMINISTRATIVE MEMBER

(R.KANTHA RAO)
JUDICIAL MEMBER

Dated : 15th June, 2018.
Dictated in Open Court.

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