

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO.487 OF 2017

Date of Decision:- 24th August, 2017

CORAM: HON'BLE SHRI. ARVIND. J. ROHEE, MEMBER (J)
HON'BLE SHIR R. VIJAYKUMAR, MEMBER (A)

Nanasaheb S. Mahamane
Sr. Telecom Office Asstt. Grade III,
(Retd.) O/o GM Telecom, Solapur,
R/at Jai Hanuman CHS, Plot No.3,
Swagat, Nagar Road, Kumatha Naka,
Solapur 413 003.

... Applicant.

(Advocate by Shri Anilkumar Joshi)

Versus

1. The Chief General Manger,
 Bharat Sanchar Nigam Ltd.,
 Maharashtra Circle,
 Administrative Bldg, Juhu
 Danda, Santacruz (W),
 Mumbai 400 054.
2. The Senior General Manager,
 Bharat Sanchar Nigam Ltd.,
 Business Area Head, Solapur,
 Telephone Bhavan, Near Head
 Post Office, Sangali 416 416.
3. The Senior General Manager
 Bharat Sanchar Nigam Ltd.,
 Telephone Bhavan, Bali ves,
 Chati Galli, Solapur 413 002.

... Respondents.

ORDER (ORAL)

Per: Shri A.J. Rohee, Member (J)

Today, when the matter is called out for admission, heard Shri Anilkumar Joshi, learned Advocate for the applicant. We have carefully perused the case record.

2. The applicant in this case, who already retired as Senior Telecom Office Assistant - Grade III on 31.05.2017, has grievance regarding the impugned Memorandum/Charge-sheet dated 06.03.2017 issued by the Disciplinary Authority, the Respondent No.2. In this OA, the applicant seeks the following reliefs:

“8.a. This Hon'ble Tribunal be pleased to call for the record and proceedings in the matter of the order of Disciplinary Enquiry passed in Q-838/Folder/2 dated 06.03.2017 issued by Respondent No.2 thereby initiating disciplinary enquiry against applicant (Annexure A-1 hereto) and on the touchstone of legality, validity and propriety thereof be pleased to hold and declare that the same is illegal, non est and invalid and be further pleased to quash and set aside the same.

8.b. This Hon'ble Tribunal be pleased to order and direct the respondents to grant provisional pension to the applicant forthwith.

8.c This Hon'ble Tribunal be pleased to order and direct the respondents to grant all other terminal benefits that are due to the applicant within a period of two months.

8.d. Pass any such order and/or orders as this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the present case.

8.e Costs of the application be provided for.”

3. According to the applicant, the charges are frivolous and hence charge-sheet is challenged. However, during the course of arguments, learned Advocate for the applicant submitted that Disciplinary Authority has appointed Inquiry Officer to proceed with the disciplinary action and in view of this, he simply prayed for a direction to the Disciplinary Authority and the Inquiry Officer to expedite the hearing of inquiry and conclude it in fixed time limit. Considering the fact that the applicant has now virtually given up the prayer to challenge the Memorandum/Charge-sheet, request is allowed.

4. The Original Application, therefore, stands disposed of at the admission stage, without issuing notice to the respondents and without making any comment on merits of the case with a direction to the Respondent No.2 to apprise the Inquiry Officer to expedite the

pending inquiry proceedings initiated against the applicant vide Memorandum dated 06.03.2017 in accordance with law and submit his report to Respondent No.2.

5. On submission of the inquiry report the Respondent No.2 shall take appropriate steps to conclude the inquiry in accordance with law. The above exercise shall be completed both by the Inquiry Officer and the Disciplinary Authority within a period of six months from today.

6. The Applicant is also directed to refrain from taking unnecessary adjournments and shall render all possible co-operation to the Inquiry Officer to conclude the inquiry in time limit.

7. Registry is directed to forward copy of this order to both the parties at the earliest.

8. ***Dasti.***

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

Mumbai
Dated:24.08.2017.

dm.

