

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.164/2019

This the 22nd day of April, 2019

Shri Binesh
Son of Shri Ramkrishnan,
Age : 48 years, working as UDC
In the office of the respondents
Residing at : M/13/147, Lucky Apartment
Shastrinagar, Sola P.O.,
Ahmedabad 380 063. Applicant
(By Advocate : Shri M.S. Trivedi)

VERSUS

1. Union of India, through
The Secretary,
Government of India,
Ministry of Finance, Department of Economic Affairs
North Block, New Delhi 110 001.
2. The Hon'ble Presiding Officer
O/o. Presiding Office
Debt Recovery Tribunal-1
Ministry of Finance, Govt. of India
2nd Floor, Bhikhubhai Chambers,
18, Gandhi Kunj Society
Ellisbridge, Ahmedabad 380 006.
3. Shri Shailesh Vaghela
Assistant Registrar / Inquiry Officer
Debt Recovery Tribunal-1
Ministry of Finance, Govt. of India
2nd Floor, Bhikhubhai Chambers,
18, Gandhi Kunj Society
Ellisbridge, Ahmedabad 380 006. Respondents

ORDER – ORAL

Per : Hon’ble Shri J.V.Bhairavia, Member (J)

Heard Shri M.S.Trivedi learned counsel for the applicant.

2. In the instant OA, the applicant has prayed for quashing and setting aside the charge memorandum No.DRT-1/AHD/PF13/18-19/826 dated 03.1.2018 (Annexure A-1) issued by the Presiding Office, DRT-1, Ahmedabad. Learned counsel for the applicant submits that after issuance of charge memorandum dated 03.1.2018, the Disciplinary Authority has appointed Inquiry Officer and the applicant has submitted his defence before Inquiry Officer, the Inquiry Officer has submitted his report to the Disciplinary Authority. Copy of the said report of Inquiry officer was received by the applicant delinquent, in response of which he has submitted his defence/ representation before the Disciplinary Authority on 28.5.2018 (page 34-35 of the paper book). Since then Disciplinary Authority has not taken any decision on said representation. It is the grievance of the applicant that applicant has not allowed to join his duty. He has also stated that due to pendency of disciplinary proceedings, he is under suspension. By way of separate OA, the said suspension has been challenged by him which is pending before this Tribunal. The applicant has prayed in para 8(C) of the

OA that Disciplinary Authority ought to have taken decision on his pending representation dated 28.5.2018.

3. I have perused the materials made available on record. Since Applicant has already been participated in the disciplinary proceedings and on receipt of the Inquiry Officer's Report, he has submitted defence/ representation dated 28.5.2018, it is expected that Disciplinary Authority shall take appropriate decision as expeditiously as possible. Considering the factual matrix of the case, concern Disciplinary Authority is directed to take appropriate decision in the matter by examining entire materials on record as expeditiously as possible and not later than thirty days from the date of receipt of a copy of this order.

4 . In view of the above, the OA stands disposed of. No order as to costs.

(J.V.Bhairavia)
Member (J)

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