

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA/020/00001/2019
Date of Order : 02-01-2019

Between :

S. Dharma Raju S/o late Sri Sanyasi,
Aged 61 yrs, Civilian motor Driver.I, MT Section,
Materials Organisation, Eastern Naval Command,
Visakhapatnam.Applicant

AND

1. Union of India, rep by its Secretary,
Ministry of Defence, New Delhi.
2. Flag Officer Commanding in Chief,
Eastern Naval Command,
Visakhapatnam-14.
3. Material Superintendent, Material Organisation,
Eastern Naval Command,
Visakhapatnam.Respondents

Counsel for the Applicant: Dr. P. B. Vijay Kumar

Counsel for the Respondents : Mr. A. Surender Redy, Addl.CGSC

CORAM :

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

THE HON'BLE MR.B.V.SUDHAKAR, ADMINISTRATIVE MEMBER

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

Heard Dr. P. B. Vijay Kumar, learned counsel for the applicant and Mr.

A. Surender Reddy, learned Addl. Central Govt., Standing Counsel for
Respondents.

2. Though the Original Application is filed to quash the charge memo, the learned Senior counsel appearing for the applicant restricts the submissions to the extent of passing of final order in Disciplinary Proceedings. In the instant case the enquiry was completed in September, 2017. The applicant retired from service on 30.06.2017. In usual course, after initiation of Disciplinary Proceedings, the final order has to be passed within a period of one year. In the instant case, there is inordinate delay in passing the final order inspite of the conclusion of the Departmental Enquiry.

3. 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.”

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 two months from the date of receipt of a copy of the order. The O.A is disposed of accordingly at the stage of admission.

5. There shall be no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(R.KANTHA RAO)
JUDICIAL MEMBER

Dated : 2nd January, 2019.
Dictated in Open Court.

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