

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00257/2019

Jabalpur, this Tuesday, the 19th day of March, 2019

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Arunangshu Pramanik
DOB 01.07.1972
S/o Shri Narayan Pramanik
Working as Jt. General Manager,
Grey Iron Foundary, Jabalpur
R/o Qr. No.23 Sector-I VFJ Estate,
Jabalpur 482009 (MP)

-Applicant

(By Advocate –**Shri Vijay Tripathi**)

V e r s u s

1. Union of India,
Through its Secretary,
Ministry of Defence
Department of Defence Production
South Block, New Delhi 110001

2. Chairman/Director General,
Ordinance Factory Board,
10-A Shahid Khudi Ram Bose Marg,
Calcutta 700001 (W.B.)

- Respondents

(By Advocate –**Shri S.P. Singh**)

O R D E R (Oral)

This Original Application has been filed by the applicant challenging the disciplinary proceeding initiated against him by issuing charge sheet dated 05.04.2016 (Annexure A/1) and the applicant is seeking quashing of the entire disciplinary proceeding

on the ground of unreasonable, unexplained and inordinate delay in finalizing the departmental enquiry.

2. The case of the applicant is that the applicant was appointed as Assistant Works Manager (Metallurgy) in the Ordnance Factory Services. Thereafter the applicant was promoted as Works Manager on 01.04.2004 and further promoted to Deputy General Manager on 06.04.2010 and thereafter promoted as Joint General Manager on 21.05.2013.

3. While working as Joint General Manager in Grey Iron Foundry (GIF), the disciplinary authority has issued a charge sheet against the applicant under Rule 14 of the Central Civil Services (Control, Classification and Appeal) Rules, 1965 on 05.04.2016 (Annexure A/1). After receiving the charge sheet the applicant submitted his reply and denied the allegation. However, the disciplinary authority was not satisfied with the reply of the applicant and appointed inquiry officer who conducted the departmental enquiry. After conclusion of the departmental enquiry, the enquiry officer sent his report to the disciplinary authority and the same was supplied to the applicant vide letter dated 11.07.2018. A copy of which is annexed as Annexure A/2.

4. The applicant has preferred representation through proper channel and the same has been followed by the General Manager

GIF Jabalpur vide letter dated 23.10.2018. A copy of representation is annexed as Annexure A/3. The applicant has submitted that vide representation the applicant has pointed out the discrepancies of the departmental enquiry and he has also submitted his defence point wise. However, the representation of the applicant has not been decided by the disciplinary authority so far. The applicant waited for considerable long time for decision of the disciplinary authority but no order has been passed by the respondents. The applicant again preferred representation dated 22.02.2019 (Annexure A/4) and has requested for early disposal of the disciplinary case.

5. The submission of the applicant has submitted that as per Cabinet Sectt. (Deptt. of Personnel) Memo No.39/43/70-Ests.(A) dated the 8th January, 1971, the time limit for passing the final order of enquiry report has been prescribed and the outer limit to decide the inquiry report has been fixed as three months at the most.

6. Learned counsel for the applicant submits that the applicant would be satisfied that if the respondent-department may be directed to conclude the departmental enquiry within 30 days.

7. Learned counsel for the respondents submits that he has no objection if the respondents are directed to decide/conclude the departmental enquiry within 90 days.

8. This Tribunal is of the view that in view of the instructions issued by the Cabinet Sectt. (Deptt. of Personnel) Memo No.39/43/70-Ests.(A) dated the 8th January, 1971, the outer limit for concluding the final order of disciplinary enquiry is 90 days. As the applicant has made representation dated 23.10.2018 (Annexure A/3) against the enquiry report. It will be just and proper and in the interest of justice as well as in view of the said instructions issued by the Department of Personnel), the respondents are directed to conclude the departmental proceedings within a period of 60 days from the date of receipt of a copy of this order.

9. With these observations, this O.A. is disposed of at the admission stage.

(Ramesh Singh Thakur)
Judicial Member

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