

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUDHAKAR
AND
THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P. NO. 6336 OF 2016

1. Union of India, rep. by its
Secretary to Government
Department of Revenue
Ministry of Finance
North Block, New Delhi.
2. Central Board of Excise & Customs
rep. by its Chairman
North Block, New Delhi. ... Petitioner

- Vs -

1. M.Srihari Rao
2. The Registrar
Central Administrative Tribunal
Madras Bench
Addl. City Civil Court Building
High Court Campus, Chennai 600 104. ... Respondents

Petition filed for the issuance of a writ of certiorarified mandamus calling for the records of the second respondent Tribunal comprised in M.A. No.50 of 2016 in O.A. No.282 of 2012 culminating in the order dated 21.01.2016, quash the same insofar as it extends the time limit for completion of disciplinary proceeding only upto 19.02.2016 and grant extension of time by four months for completion of the disciplinary proceedings.

For Petitioners : Mr. Rajnish Pathiyil, SCGSC

ORDER

(DELIVERED BY R.SUDHAKAR, J.)

The petitioner has filed this petition praying to quash the order of the Tribunal and to grant four months time to the petitioners to complete the disciplinary proceedings pending against the first respondent.

2. Heard the learned senior Central Government Standing Counsel appearing for the petitioners.

3. Here is a case where the enquiry against the first respondent was challenged by him unsuccessfully before the Tribunal. Originally, the Tribunal had fixed time limit by six months for completion of the disciplinary proceedings. However, at the request of the Department/petitioners, time was extended by three months by an exparte order dated 19.1.16. However, that order was recalled by the Tribunal at the instance of the first respondent/delinquent and the present order, which is impugned herein, came to be passed on 21.1.16.

4. In support of the application seeking extension of time before the Tribunal, in para-8, it is stated that enquiry proceedings had been completed and the report dated 18.9.15, for administrative reasons, has to be sent to the higher officers for approval. In the said paragraph, though the details of the various authorities who will have to process the enquiry report and grant approval is detailed, no details of dates as to the movement of the file before the various authorities has been given, except stating that the report was made ready on 18.9.15. The Tribunal, taking note of the objection filed by the first respondent/delinquent officer, however, was pleased to grant time upto 19.2.16 by observing that no steps have been taken by the petitioners for more than fifteen months.

5. Though the Tribunal, in principle, has accepted that the file has to go through various officers for approval, as is detailed in para-8 of the affidavit filed in support of the petition, however, thought it fit to grant time only upto 19.2.16 as against the request of the petitioners for grant of time by four months, i.e., upto 30.4.2016. Had the petitioners given details of the dates of movement of the files between the various higher authorities and the stage of its pendency, probably the Tribunal could have taken a pragmatic view of the matter and granted more time. Since the affidavit was bereft of proper details, the Tribunal had not granted time beyond 19.2.16, as sought for by the petitioners.

6. Even before this Court, as is evident from the affidavit filed in support of the petition, the affidavit is bereft of details as to movement of the files between the various authorities and the present stage of the file. Learned counsel for the petitioner submitted that he may be permitted to submit the details as required by this Court. However, in the interest of justice, this Court is of the considered view that the petitioner should be permitted to move the Tribunal by filing a fresh application with appropriate particulars and the Tribunal, after putting the first respondent/delinquent on notice, may

pass appropriate orders with regard to the request of the petitioners for grant of further time to complete the disciplinary proceedings.

7. In the above circumstances, for want of relevant details, this Court is not passing any order on merits. However, this Court grants liberty to the petitioners to file a fresh petition before the Tribunal giving the relevant particulars and seek extension of time for completion of the disciplinary proceedings and the Tribunal, on the filing of such application, after issuing notice to the first respondent/delinquent, shall consider the case on merits and pass orders in accordance with law. Since this Court is not passing any orders on merits, but only grants liberty to the petitioners to move the Tribunal by filing a fresh application, no notice is being issued to the first respondent/delinquent, as no prejudice will be caused to him in view of this Court passing the above said order.

8. Accordingly, with the above observations and directions, this writ petition is disposed of.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Registrar
Central Administrative Tribunal
Madras Bench
Addl. City Civil Court Building
High Court Campus, Chennai 600 104.

+1cc to Mr.Rajnish pathiyil, Advocate, S.R.No.10998

W.P. NO. 6336 OF 2016

vs (CO)
srg (25/02/2016)