

11.11.2007. Shri V. Rammath, IAS who was appointed as the next Inquiry Officer recused himself. After a gap of 10 months, Shri D.S. Poonia, another IAS was appointed as Inquiry Officer, but he could not proceed with the inquiry after his appointment as Chief Secretary of the State. After another gap of 7 months, Shri A.N. Jha, IAS, was appointed as Inquiry Officer.

The petitioner challenged the proceedings of the departmental inquiry as also the recommendations of the departmental promotion committee in O.A. Nos.211/2008 and 92/2009, which were disposed of by the Tribunal by common order dated 5.2.2010. The Tribunal took cognizance of the statement made by the counsel appearing for the State of Manipur that departmental proceedings will be completed

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within a period of two months and directed the State Government to do so within 60 days from 12.2.2010 by passing final order with a stipulation that if the departmental proceedings are not finalized within 60 days, the same would stand abated. The Tribunal also quashed the promotion of respondent No.4 and directed holding of review DPC.

By order dated 5.3.2010, the Tribunal unwittingly extended the time for completing the departmental proceedings by 15 days. By another order dated 12.4.2010, the time was extended up to 26.4.2010. However, as the final order was not passed by that date, the Tribunal passed order dated 31.5.2010 in Execution Petition Nos. 2 and 3 of 2010 and declared that the departmental proceedings have lapsed.

Respondent Nos. 1 to 3 challenged the order of the Tribunal in W.P. Nos. 404 and 405 of 2010 which were allowed by the Division Bench of the High Court and the State Government was directed to finalise the inquiry proceedings.

We have heard Shri Amrendra Sharan, learned senior counsel for the petitioner at some length and perused the record.

It is not in dispute that no final order could be passed in the departmental inquiry instituted against the petitioner without consulting the Commission as per the requirement of rule 9 of the All India Services (Discipline and Appeal) Rules, 1969. Therefore, the Tribunal could not have directed the State Government to pass an order without consulting the Commission. This being the position, the High Court rightly held that the direction given by the Tribunal for finalization of the departmental proceedings must be read as a direction for submission of the inquiry report and nothing more.

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With the above observations, the special leave petitions are dismissed. However, keeping in view the fact that the matter has remained pending for more than 3 years, we direct all the respondents to complete the proceedings and pass appropriate order by 31st January, 2011.

The Registry is directed to forward copy of this order to the Chief Secretary, State of Manipur and the Secretary, Union Public Service Commission by fax.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master