

(2021) 05 CAT CK 0003

In the Central Administrative Tribunal

Case No : Original Application No. 454, 452, 453, 3610 Of 2019 Miscellaneous
Application No. 1628, 1627 Of 2020

Satish Chandra Verma

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 07-05-2021

Acts Referred:

Citation : (2021) 05 CAT CK 0003

Hon'ble Judges : L. Narasimha Reddy, J; Dr. Nandita Chatterjee Member (A)

Bench : Division Bench

Advocate : Satish Chandra Verma, Arun Bhardwaj, Piyush Gaur, Manisha Lavkumar, R.K. Jain, Gyanendra Singh, Kumar Parimal

Judgement

L. Narasimha Reddy, J

1. In the normal course, the OAs are to be heard by the bench comprising of Chairman and the Hon'ble Member Mohd. Jamshed. However, since

the applicant is not inclined to proceed with the hearing at all, this Bench examined the matter independently and not as part of continuation of the

hearing by the other bench.

2. Six OAs, filed by the applicant, were pending disposal before the Principal Bench. The OAs were initially filed before Guwahati Bench and

thereafter were transferred and renumbered as O.A. No. 1287/2015, O.A. No. 4348/2015, O.A. No. 454/2020, O.A. No. 452/2020, O.A. No. 453/2020

and O.A. No. 3610/2019. They were to be heard together and disposed of.

3. Earlier, when they were listed, the applicant sought adjournment by stating various reasons. Interim orders were passed in three OAs, staying

further steps in the respective disciplinary proceedings.

4. On account of lockdown due to Covid-19 pandemic, cases are being heard through Video Conferencing. The applicant insisted on the OAs being

taken up through physical hearing. Ultimately, on 04.02.2021, the applicant advanced his arguments in two OAs viz., O.A. No.1287/2015 and

O.A.No.4348/2015, and after hearing the learned counsel for the respondents, orders in the said OAs were reserved.

5. The remaining OAs were listed on 15.03.2021, when physical hearing was taking place. They were adjourned to 12.04.2021. By that time, the

online hearing was introduced. On 12.04.2021, it was agreed that four OAs would be heard on 19.04.2021 at 11.30 AM through Video Conferencing.

Accordingly, the four OAs were listed on 19.04.2021 and hearing commenced. The applicant filed a detailed list of events and advanced arguments in

the Forenoon session and Afternoon session. There were brief interruptions in the connectivity. The applicant completed narration of facts and had

also cited various judgments. However, on his own accord, he stated that he would supplement the remaining arguments by 28.04.2021 in the written

form. The learned Senior Counsel for the Respondents, on 28.04.2021, were also given time slots for arguments. The intention was to conclude the

hearing of the OAs, which are pending since long, and then to reserve for orders. The arguments were heard by the bench comprising of Chairman

and Honâ??ble Administrative Member Mohd. Jamshed. The remaining arguments to be taken by the same bench on 28.04.2021.

6. On 28.04.2021, the four OAs were listed. The applicant joined the Video Conferencing and expressed his inability to proceed with the hearing. We

tried to persuade him to address the arguments by taking short adjournment, before the concerned Bench. However, he was reluctant and insisted that

the OAs must be heard only through physical hearing. He was informed that it was with the agreement of the parties that the hearing was taken up

and he has argued two OAs though video conferencing and he advanced extensive arguments for the entire day, in this batch of OAs through video

conferencing. However, he was not inclined.

7. Sri Arun Bhardwaj, learned Senior Counsel and Ms.Manisha Lavkumar, learned Senior Counsel for the Respondents, assisted by their instructing

counsel, submitted that the applicant is trying his best to prolong the adjudication and to keep the OAs pending, taking advantage of the interim orders

passed therein. They pleaded that in the two sets of disciplinary proceedings, the respective Inquiry Officers submitted reports and at that stage

further steps are stalled. They insisted that in case, the applicant is not inclined to proceed with the matters, the interim orders need to be vacated.

8. The brief background of the cases is indicated above. It is true that the Courts and Tribunals are hearing only urgent matters during Covid-19

pandemic. The cases instituted by the applicant were pending since long time and the respondents were insisting on the cases being argued even

before the lock down was ordered. The requests made by the applicant for adjournment were being accommodated. When they were listed in the

recent past, they were adjourned on certain occasions hoping that they can be taken up for hearing, once the physical hearing takes place. On one

such occasions, the applicant had appeared but the situation was such that he could not commence his arguments. It was with his consent, that the

OAs were listed for hearing. Even by keeping aside some urgent matters, almost the entire day was allocated for the hearing of these OAs. almost all

the Benches of the Tribunal are functioning through online, without any disruption and thousands of cases, including old matters were disposed of

finally during this period.

9. The applicant advanced arguments almost in full, and stated that he is yet to complete them. It is he, who voluntarily to submit written arguments

comprehensively covering all other aspects. The learned Senior Counsel for the Respondents also agreed to restrict their arguments to be addressed in

a limited time. However, the applicant has changed his stand and is not proceeding with the matter.

10. The two sets of disciplinary proceedings initiated against the applicant are the subject matter of the two OAs. The interim orders were passed

stalling the further proceedings. The situation as of now is that the reports of the Inquiry Officers were submitted and copies thereof were furnished to

the applicant. Having regard to the nature of the proceedings and the position which the applicant occupies, and his approach with reference to the

hearing of the OAs, we are of the view that the interim orders need to be modified, leaving it open to the disciplinary authority to pass orders, which in

turn shall be subject to the outcome of some OAs.

11. Accordingly, the interim orders passed staying the further steps in the two

disciplinary proceedings against the applicant and which are the subject matter of these OAs, stand vacated.

12. The OAs shall be posted in the first week of July 2021.