

Finish proceedings against employees in 6 months, says Supreme Court

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Supreme Court of India.

The Supreme Court has asked all organisations and companies — private or public — to conclude departmental proceedings against their employees within six months to ward off unnecessary harassment to the staff being probed and to ensure fairness.

On Wednesday, a bench of Justices J Chelameswar and Abhay Manohar Sapre noted that inordinate delay in completing departmental proceeding is not in the interest of both the employer and the employee, especially when the latter has been placed under suspension pending the outcome of such inquiry.

Further, it is the duty of the employer to ensure that the departmental inquiry initiated against the delinquent employee is concluded within the shortest possible time by taking priority measures, said the court. Regretting that such measures are not being taken by the employers despite directives of the apex court, the bench issued the order, fixing the outer limit.

“Every employer must make sincere endeavour to conclude the departmental inquiry 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,” it directed.

It said if the delinquent employee has been placed under suspension during the pendency of the inquiry then the employer should ensure that the inquiry is concluded in the shortest possible time to avoid any inconvenience, loss and prejudice to the rights of the employee.

“Where it is not possible for the employer to conclude it due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within reasonably extended period, depending upon the cause and the nature of inquiry, but not more than a year,” said the court.

The order came as the bench came across a delay of more than nine years in completing departmental proceeding against a Delhi district court employee, who remained suspended between 1990 and 1999 while the inquiry remained pending.

The employee was compulsorily retired from service as penalty but the bench questioned the delay of nine years in serving the final order of penalty. It noted that there cannot be any justification to continue with one departmental inquiry for almost a decade.

