

Central Administrative Tribunal, Principal Bench**Original Application No. 1591 of 2002**

New Delhi, this the 9th day of December, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. M.P. Singh, Member(A)

R.P. Meena
S/o Shri Samarth Lal Meena
Assistant Operational Manager,
(COG) Northern Railway,
Bikaner, Rajasthan

....Applicant

(By Advocate: None)

Versus

1. Union of India,
Ministry of Railways,
Rail Bhavan, New Delhi
Through its Secretary
2. General Manager (Personnel)
Baroda House,
Northern Railway,
New Delhi.
3. Railway Board,
Rail Bhavan,
New Delhi
Through it's Secretary
4. General Manager,
Central Railway,
Chhatrapati Shivaji Terminal,
Mumbai
5. Shri B.S. Sudhir Chandra
Member Staff, Railway Board,
Rail Bhavan, New Delhi.
6. Shri Amit Chaudhari,
Senior Divisional Operations Manager,
Central Railway,
D.R.M. Office,
Habibganj, Bhopal

....Respondents

(By Advocate: Shri R.L. Dhawan)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

By virtue of the present application, the applicant seeks quashing of the chargesheet dated 31.7.2001 and in the alternative, direct the respondents not to proceed with the enquiry till criminal investigation in FIR



dated 1.12.2001 is completed....

2. The respondents have initiated a departmental enquiry against the applicant and memorandum of charges has been served on him. It is dated 31.7.2001. The applicant seeks quashing of the same, alleging certain facts with which we are not presently concerned but suffice to mention that he contends that some of the documents purported to have been served are forged and fake and otherwise also, certain assertions had been given to the National Commission for Scheduled Caste/Schedule Tribe which are not being adhered to. It is also pointed that criminal investigation in FIR dated 1.12.2001 in this regard is pending and, therefore, proceedings as such deserve to be quashed or deferred till the investigation is complete.

3. The petition as such is being contested.

4. At the time when the matter was taken up, there was no appearance on behalf of the applicant. In these circumstances, this Tribunal indeed did not have the advantage of hearing the applicant's counsel.

5. We know from the decision rendered by the Supreme Court in the case of Union of India vs. Upendra Singh, JT 1994 (1) SC 658 that in normal circumstances, it is for the alleged delinquent to answer the chargesheet and to raise all the pleas available in law. In judicial review, interference at the interlocutory stage would not be called for. The Tribunal would be competent to interfere in case

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the charges framed clearly show that there is no misconduct or other irregularity or there is an abuse of the process of law... The Supreme Court had held:

"In the case of charges framed in a disciplinary inquiry the Tribunal or Court can interfere only if on the charges framed (read with imputation or particulars of the charges, if any) no misconduct or other irregularity alleged can be said to have been made out or the charges framed are contrary to any law... At this stage, the Tribunal has no jurisdiction to go into the correctness or truth of the charges. The Tribunal cannot take over the functions of the disciplinary authority. The truth or otherwise of the charges is a matter for the disciplinary authority to go into. Indeed, even after the conclusion of the disciplinary proceedings, if the matter comes to Court or Tribunal, they have no jurisdiction to look into the truth of the charges or into the correctness of the findings recorded by the disciplinary authority or the appellate authority as the case may be. The function of the Court/Tribunal is one of judicial review, the parameters of which are repeatedly laid down by this Court."

6. At this stage when only the imputation of charges has been served, we deem it unnecessary to ponder with respect to assertions made on facts. It would be open to the applicant to raise all the legal and factual pleas available in law, before the enquiry authority or the disciplinary authority as the case may be. The said authority would be competent to consider the said pleas and pass appropriate orders in accordance with law.

7. At this stage, therefore, we are not expressing any opinion on the said pleas.

8. Subject to aforesaid, the present application

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must fail and is dismissed.

9. By way of abundant caution, we add that nothing said herein is an expression of opinion on the said pleas of the applicant.


(M.P. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

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