

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1814/2016

Dated Monday, the 6th day of January, 2020

PRESENT

Hon'ble Mr.P.Madhavan, Judicial Member

&

Hon'ble Mr.T.Jacob, Administrative Member

S.P. Babu – 822856

Ex-Technician-III/Crane Driver Electrical

Flat No. 4-A, Door No. 52

Om Sakthi Apartments

Balaji Nagar 6th Cross Street

Kolathur, Chennai 600 099.

... Applicant

By Advocate M/s K S Govinda Prasad

Vs

1. Union of India represented by the

General Manager, Integral Coach Factory /Southern Railway

Chennai 600 038.

2. The CWE/Shell (Revising Authority)

Integral Coach Factory/Southern Railway

Chennai 600 038.

3. The Dy. CME/Shell (Appellate Authority)

Integral Coach Factory/Southern Railway

Chennai 600 038.

4. The AWM/A-I/S (Disciplinary Authority)

Integral Coach Factory/Southern Railway

Chennai 600 038.

5. The Inquiry Officer & SSE/Shop 21

Integral Coach Factory/Southern Railway

Chennai 600 038.

... Respondents

By Advocate Mr. A. Abdul Ajees

(Order: Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

““1. To call for the records/files relating to impugned charge sheet bearing NO. PB/S/DAR/822856/SFS/OUA dated 04.11.2013 (A-18) issued by the 4th respondent herein namely, the AWM/A-II/S-Disciplinary Authority, quash and set aside the same non-est in the eye of law and thus render justice.

2. To call for the files/records relating to the impugned order bearing No. PB/S/DAR/822856/OUA dated 13.04.2016 (A-22) passed by the 4th respondent herein namely, the AWM/A-II/S-Disciplinary Authority, quash and set aside the same as non-est in the eye of law and thus render justice.

3. To call for the files/records relating to the impugned order bearing No. PB/S/DAR/822856/OUA dated 28.06.2016 (A-27) passed by the 3rd respondent herein namely, the Dy. CME/Shell (Appellate Authority), quash and set aside the same as non-est in the eye of law and thus render justice.

4. To call for the files/records relating to the impugned order bearing No. PB/S/DAR/822856/OUA dated 30.08.2016 (A-29) passed by the 2nd respondent herein namely, the CWE/Shell-Revising Authority, quash and set aside the same as non-est in the eye of law and thus render justice.

5. To consequently direct the respondents 1 to 3 herein to reinstate the applicant as Technician Grade-III/Electrical Crane Driver with the respondent ICF, Chennai 600 038, with effect from 15.4.2016 with attendant, service and monetary benefits, with continuity of service from the said date within a time-frame that may be stipulated by this Tribunal and thus render justice.

6. To award exemplary costs payable by the respondents to the applicant herein and thus render justice.

7. To grant such other relief(s) which may be prayed for and / or which this Tribunal may deem fit, proper and just to be granted in the facts and circumstances of the case and thus render justice.”

2. The applicant is an Ex-Technician-III/Crane Driver Electrical in ICF Chennai. He has filed this OA challenging the impugned charge sheet & orders of the disciplinary authority, appellate authority and the revisional authority on the ground that the 2nd respondent has issued the said

punishment orders after an inordinate delay of nearly 8 years in initiating the disciplinary proceedings and a further delay of nearly 3 years in concluding the disciplinary proceedings.

3. When the matter came up for hearing, learned counsel for the applicant would submit that the applicant has filed mercy petition dated nil before the competent authority regarding his grievance which is still pending and no order is passed till now. He will be satisfied if the said petition is disposed of on humanitarian grounds, within a stipulated time frame.

4. Learned counsel for the respondents opposes for such disposal as the relief sought now is contrary to the relief prayed in the OA.

5. Since the counsel for the applicant is limiting his prayer, without going into the merits of the case, the OA is disposed of in the following lines:

"The competent authority, i.e., the 1st respondent is directed to consider the applicants' mercy petition dated nil in the light of relevant rules and regulations and pass a reasoned and speaking order, within a period of three months from the date of receipt of a copy of this order. It is made clear that the disposal of this mercy petition on mercy grounds shall not give rise to any fresh cause of action."

**(T.JACOB)
MEMBER (A)**

06.01.2020

M.T.

**(P.MADHAVAN)
MEMBER (J)**