

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/23/2020

Hyderabad, this the 8th day of January, 2020



Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

Ch. Vasantha Rao, S/o. Reddayya,
Aged about 64 years,
Occ: Senior Section Engineer/WWS/RYPs (Retd.),
Rayanapadu Workshop, Guntapally, SCR,
R/o. Adinarayanapuram, Epurapalem Post,
Chirala Mandal, Prakasham District – 523 166.

... Applicant

(By Advocate Dr. A. Raghu Kumar)

Vs.

1. Union of India, Rep. by its General Manager,
South Central Railway, Rail Nilayam,
Secunderabad – 500 003.
2. The Chief Works Manager,
Rayanapadu Workshop,
South Central Railways, Vijayawada.
3. The Deputy Chief Mechanical Engineer,
Wagon Workshop, South Central Railways,
Guntapally, Krishna District.

... Respondents

(By Advocates: Mr. N. Srinatha Rao, SC for Railways)

ORDER (ORAL)
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

2. The OA is filed challenging the charge memo dt. 04.07.2016 and all the proceedings thereupon on the ground of abnormal delay in concluding the proceedings.



3. Brief facts of the case are that the applicant while working as Senior Section Engineer in the respondent organization, was issued charge memo dt. 04.07.2016 on the ground that the applicant was involved in a criminal trial concerning theft of Railway property. Applicant denied the charges. Consequently, respondents appointed an Inquiry Officer and the last sitting was held on 22.10.2016. Respondents have also filed a charge sheet before the II Metropolitan Magistrate, Vijayawada in July 2015. Neither the disciplinary proceedings nor the criminal trial has been concluded till date. In the meanwhile, the applicant retired on 31.10.2016 on attaining the age of superannuation. He has been paid provisional pension only. However, as there has been delay in completing the disciplinary proceedings, other pensionary benefits due, have not been released to the applicant. Aggrieved, the OA has been filed.

4. Heard both the counsel and perused the pleadings on record.

5. As seen from the records, charge memo has been issued to the applicant on 04.07.2016 in connection with the alleged theft of Railway property and Inquiry Officer has been appointed, who conducted inquiry on

22.10.2016. Thereafter, there is no progress in the disciplinary inquiry. The respondents have also filed charge sheet before the concerned criminal court and the criminal trial is also pending. Applicant retired from service on 31.10.2016 and, according to the applicant, he has not been paid any pensionary benefits except provisional pension. Now, we are in 2020 and the disciplinary inquiry is still pending though nearly 4 years have lapsed.



6. It is rather surprising that the disciplinary inquiry is pending from July 2016, more so, when the person has retired. Hon'ble Apex Court, in a catena of judgments, held that disciplinary proceedings have to be completed in a given time frame, preferably within six months. In the instant case, though nearly 4 years have lapsed, disciplinary case is still pending 'as-is-where-is' state as on 22.10.2016.

7. After hearing both sides, it is deemed appropriate to direct the respondents to complete the disciplinary inquiry, within a period of two months from the date of receipt of this order, so that the applicant would be in a position to defend himself and thereupon, the respondents can take an appropriate decision.

With the above direction, the OA is disposed, at the admission stage itself, with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

/evr/