

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO. 747/2001

New Delhi this the 26th day of March, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

G.P.Satsangi,  
Sectional Engineer (W)-II,  
Northern Railway,  
Tundla.

... Applicant

( By Mrs. Meenu Mainee, Advocate )

-versus-

1. Union of India through  
General Manager, Northern Railway,  
Baroda House, New Delhi.
2. Divisional Railway Manager,  
Northern Railway, Allahabad.
3. Divisional Superintending Engineer (II),  
Northern Railway, Office of DRM,  
Allahabad.
4. V.K.Tripathi,  
Divisional Engineer (Track),  
Northern Railway,  
Allahabad.

... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal:-

In disciplinary proceedings initiated against applicant, the enquiry officer has exonerated him. Aforesaid exoneration has been maintained by the disciplinary authority by its order of 6.7.2000 at Annexure A-5. By a later order of 25.1.2001 at Annexure A-1 applicant has been informed that the ADRM/ALD has rejected the aforesaid enquiry report and has directed a de novo enquiry from the stage of enquiry earlier conducted, after appointment of a fresh enquiry officer. Aforesaid decision of ADRM/ALD


Ref

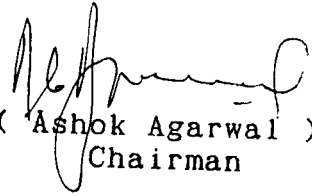
conveyed to applicant on 25.1.2001 has been impugned in the present OA.

2. In our view, no exception can be had to the aforesaid decision of the ADRM/ALD who is a superior authority to the DSE/II/ALD who had passed the earlier order of 6.7.2000 exonerating applicant. Though the order of 25.1.2001 uses the expression, "de novo", it is qualified by adding, "from the stage of enquiry". In the circumstances, further enquiry directed by the aforesaid higher authority after rejecting the report exonerating applicant, cannot be successfully assailed.

3. Present OA, in the circumstances, we find, is devoid of merit and the same is accordingly summarily rejected.

At this stage, the counsel for applicant seeks permission to withdraw the OA. The OA is accordingly dismissed as withdrawn.

  
( S.A.T. Rizvi )  
Member (A)

  
( Ashok Agarwal )  
Chairman

/as/