

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 1409/98

New Delhi this the 24th day of November, 1998

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri N. Sahu, Member (A)

(A)

Shri Kendra Pal Singh
S/O Sh. Ranbir Singh
presently working as A.C.
Supervisor under A.E.E.N Rly.,
New Delhi and resident of H.No.
IX/2082, Gali No. 6, Kailash Nagar,
Delhi-31

.. Applicant

(By Advocate Shri P.L. Mimroth)

Vs.

1. Union of India through,
General Manager,
Northern Railway, Baroda House,
New Delhi-1
2. The Sr. Divisional Elect. Engineer,
Northern Railway, D.R.M's. Office,
New Delhi.
3. Shri B.K. Katiyal,
SEFO (Inquiry Officer),
S.I.V. (Shatabadi), Northern Railway,
New Delhi.

(By Advocate Sh. R.P. Aggarwal through .. Respondents
proxy counsel Sh. M.K. Gaur)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

Proxy counsel for the respondents seeks further four weeks to file reply to OA. We note that notice had been issued as far back as on 3.8.1998.

2. The main reliefs sought by the applicant in this OA are as follows:-

- (a) This Hon'ble Tribunal may be pleased to direct the respondents to finalise the 5 years old departmental proceeding pending against the applicant as per time scheduled fixed by the Railway Board within a specific period to ensure justice and fair deal to him in the matter of promotion to the next higher post of Charge-Man.
- (b) The respondents No. 3 i.e. the Enquiry Officer be further directed to submit (ted) his findings before the Disciplinary Authority without any further deal preferably within few weeks as he had already sat over the Inquiry proceedings for the last 14 months.
- (c) Any other relief which this Hon'ble Tribunal may deem fit and proper may also be granted in favour of the applicant."

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3. Learned counsel for the applicant has submitted that the charge sheet against the applicant was issued as far back as in December, 1993 and the Inquiry Officer had concluded the departmental enquiry on 1.5.97. The applicant's grievance is that till date the Inquiry Officer has not submitted his report. Learned counsel has submitted that by the action of the respondents in dragging the disciplinary proceedings for the last 5 years or more ^{it is} is adversely affecting the applicant's interest by way of promotion etc. He has submitted that according to the relevant instructions under the "Model Time Schedule for finalising disciplinary proceedings," the same ought to have been completed much earlier ¹⁸ within sixty days, which ^{instructions} ~~provisions~~ have been flouted by the respondents.

4. As mentioned above, the respondents in spite of notice having been issued in August, 1998 have not filed their reply and in the circumstances, we reject the request of the proxy counsel for the respondents for further time to file reply.

5. Having regard to the reliefs sought by the applicant and the relevant Rules/instructions, we dispose of this OA with a direction to the respondents to complete the disciplinary proceedings pending against the applicant within three months from the date of receipt of a copy of this order. The Disciplinary authority shall pass a speaking order in accordance with law under intimation to the applicant within this period.

No order as to costs.


(N. Sahu)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

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