

Central Administrative Tribunal
Principal Bench, New Delhi

New Delhi the 20th day July 1995.

OA No.1125/95

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

Hon'ble Mr R.K.Ahooja, Member (A)

N.L.Kataria
R/o Flat No.247/6-B
Panchukian Road
New Delhi.

...Applicant.

(By Advocate: Shri B.S.Mainee)

Versus

Union of India through

1. Secretary
Railway Board
Ministry of Railways
Rail Bhawan
New Delhi.

2. The General Manager
Northern Railway
Baroda House
New Delhi.

...Respondents

(By Advocate: Shri R.L.Dhawan)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The applicant who was serving as a Senior Signal & Telecommunication Engineer (Construction) in the Northern Railway, Baroda House, retired from service on superannuation on 30.10.1994. On 27.10.94, a major penalty charge-sheet was served on the applicant. However he was allowed to retire on superannuation. His grievance is that even though soon after receipt of the charge-sheet on 28.10.94, he requested for permission to inspect the documents for the purpose of defending himself, the authorities did not favour him with any reply and that even after a reminder was sent by him, he did not get any response. His further grievance is that the disciplinary

proceeding is being unnecessarily and unduly protracted with the result that he is deprived of ^{his} retiral benefits. Therefore, he has filed this application praying that the disciplinary proceedings which are being held in violation of the Railway Board's instructions may be quashed or in the alternative, the respondents may be directed to finalise the disciplinary proceedings within a specified period and the applicant be allowed to continue in the railway flat till the disposal of the disciplinary proceedings.

2. As the applicant had prayed for an interim order restraining the respondents from evicting the applicant from the railway flat, the respondents were directed to file a short reply and the respondents filed a short reply on the question of interim relief.

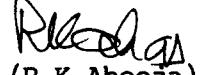
3. Now when the application came up for consideration of the question of interim order, learned counsels on either side agreed that as the main issue involved in this case is finalisation of the disciplinary proceedings, it would be proper if a direction is given to the respondents to finalise the disciplinary proceedings within a reasonable time frame. Learned counsel for the applicant, however, persisted in his request that the respondents may be directed to allow the applicant to retain the railway flat either till disposal of the disciplinary proceedings or at least for a period of 3 months. As the controversy has been narrowed down on the submission of the learned counsel for the applicant, instead of considering the interim relief, we propose to dispose of this application finally at the admission stage itself.

4. We cannot but take note of the fact that the railway administration has failed to make progress in the disciplinary proceedings for no justifiable reason. However, since no progress has been made towards the conduct of the disciplinary proceedings and no enquiry officer has yet been appointed, taking into account the fact that the

✓

applicant is a retired officer, and other backgrounds of the case, we consider that it would be in the fitness of things if the respondents are directed to complete the disciplinary proceedings as expeditiously as possible. Since it is a case where consultation with UPSC will be required for passing final order, it will not be possible to ascertain the exact time limit within which the final order can be passed as the UPSC is not a party. However, there should not be any difficulty for the respondents to have an enquiry officer appointed and the enquiry held. Under the circumstances, we direct the respondents to complete the disciplinary proceedings to the stage of submission of the enquiry report by the enquiry officer to the Disciplinary Authority within a period of 4 months from the date of receipt of communication of this order. We also direct the respondents, on receipt of the enquiry report, to take action for passing final orders in consultation with the concerned authorities ^{with utmost expedition.} With the above directions, the application is disposed of. However, the prayer of the applicant for retention of the government railway flat is not allowed, because the applicant has already retired from service on superannuation on 30.10.94 and as the retention of the railway flat has no nexus with the completion of the disciplinary proceedings.

There is no orders as to costs.


(R.K.Ahooja)
Member (A)


(A.V.Haridasan)
Vice Chairman (J)

aa.