

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-2048/97

New Delhi this the 11th day of November, 1998.

Hon'ble Shri T.N. Bhat, Member(J)
Hon'ble/Shri S.P. Biswas, Member(A)

Shri J.P. Nath,
S/o Shri Sukhan Nath,
C/o Sh. Ram Chander,
A-4/100, Nand Nagari,
Delhi-93.

..... Applicant

(through Sh. G.D. Bhandari, advocate)

versus

1. Union of India through
the General Manager,
Northern Railway,
HQ/Baroda House,
New Delhi.

2. Divl. Railway Manager,
Northern Railway,
Bikaner.

..... Respondents

(through Shri R.L. Dhawan, advocate)

ORDER(ORAL)

Hon'ble Shri T.N. Bhat, Member(J)

1. Heard the learned counsel for both the parties.

2. An additional affidavit has been filed by the respondents in terms of the orders passed by us on 18.08.98. In the additional affidavit, it is stated that the matter has been forwarded to the U.P.S.C. on 04.09.98 for tendering their advise. The learned counsel for the applicant during the course of his arguments stated that there has been an inordinate delay in forwarding the matter to the U.P.S.C. and that too after more than a year after filing of this O.A.

[Signature]
11.11.98

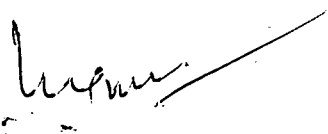
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3. The main grievance of the applicant in this O.A. is that the disciplinary proceedings against him are not being finalised although the applicant has retired from service. The learned counsel for the applicant laid much emphasis on the point that the enquiry was completed some time in the year 1996 and reply was given by the applicant to the show cause notice in 1996 itself. Even so, the respondents had taken nearly two years to forward the matter to the U.P.S.C.

4. In reply, the learned counsel for the respondents cites before us a judgement of the co-ordinate Bench of this Tribunal in Gian Singh Vs. U.O.I. & Ors. (OA-2618/91) decided on 21.8.97 and contends that in identical circumstances, the aforesaid Bench had granted six months time to the respondents to finalise the enquiry.

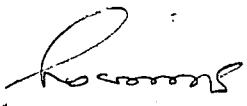
5. The learned counsel for the applicant states that he would have no objection if identical directions are issued in the instant case as well with the condition that if the proceedings are not finalised within the time allowed to the respondents, the disciplinary proceedings will be deemed to have abated. This contention appears to be quite fair and reasonable in the circumstances of the case, and similar condition had also been placed in Gian Singh (supra).

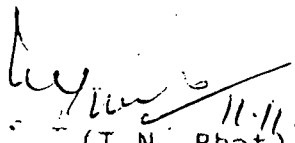
6. In view of the above, this O.A. is disposed of with the direction to the respondents to conclude and finalise the disciplinary proceedings and pass a final order within a period of eight months from today, failing



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which the disciplinary proceedings against the applicant shall be deemed to have abated. It shall be open to the applicant in that event to once again approach this Tribunal for seeking redressal of his grievance.


(S.P. Biswas)
Member (A)


11.11.98
(T.N. Bhat)
Member (J)

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