

Central Administrative Tribunal, Principal Bench

O.A.No.286/97

Hon'ble Mr. Justice K.M.Agarwal, Chairman
Hon'ble Mr. R.K.Ahooja, Member(A)

New Delhi, this 13th day of February, 1997

Shri B.O.V.Rao
s/o Shri B.C.Venkaiah
r/o 246/7 A, Railway Apartments
Panchkuian Road
New Delhi - 110 001. ... Applicant

(By Applicant in person)

Vs.

General Manager
Northern Railway
Baroda House
New Delhi - 110 001. ... Respondent

O R D E R (Oral)

Hon'ble Mr. Justice K.M.Agarwal, Chairman

Heard the applicant in person.

2. This OA is directed against two memoranda dated 22.11.1993 and dated 07.01.1997. The applicant was subjected to disciplinary proceedings; the enquiry officer, it appears, found the charges to have not been proved. The disciplinary authority did not agree with the conclusions of the enquiry officer and accordingly the Memorandum dated 07.01.1997 was issued by the disciplinary authority giving an opportunity to the applicant to make a representation within specified time, if he so desired, against the conclusions reached by the disciplinary authority. The first Memorandum dated 22.11.1993 is not material because that was only a proposal to hold an enquiry against the applicant.

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3. The applicant submitted that the impugned memorandum indicated the intention of the disciplinary authority that he was bent upon punishing him by disagreeing with the findings of the enquiry officer. We find no substance in the contentions of the applicant. It is always open to the disciplinary authority either to agree or not to agree with the report of the enquiry officer. If he does not agree, he is required to serve a notice to the delinquent officer and to give him an opportunity to be heard before passing any order in the disciplinary proceedings. That has been done in the present case. We find no merit in the contentions regarding the impugned memorandum. Accordingly, the application is dismissed as having no merit.

Km
(K.M.AGARWAL)
CHAIRMAN

R. K. Ahooja
(R.K.AHOOJA)
MEMBER(A)

/rao/