

Central Administrative Tribunal

Principal Bench: New Delhi

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Dated 5/8/97

OA No. 764/97

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)  
Hon'ble Shri K. Muthukumar, Member (A)

Sh. Jagat Narain Prasad,  
s/oShri Uma Nath Prasad,  
working as Conductor,  
Central Railway, Jhansi.  
c/o Chief Ticket Inspector,  
(Lobby) New Delhi.

(By Advocate: Shri H.P.Chakravarti)

-versus-

UNION OF INDIA THROUGH

1. Chairman,  
Railway Board,  
Principal Secretary to the Govt. of India,  
Ministry of Railways, Rail Bhawan,  
New Delhi.
2. The General Manager,  
Central Railway,  
Mumbai CST.
3. The Senior Divisional Commercial Manager,  
DRM's office,  
Central Railway,  
Jhansi.

...respondents

BY Advocate: Shri O.P.Kshatriya)

O R D E R (ORAL)  
(Dr. Jose P. Verghese, Vice-Chairman (J))

The petitioner has filed this OA to quash the disciplinary proceedings initiated against him under the impugned charge-sheet and grant consequential benefits arising out of it.

The petitioner has filed an MA today to bring on record the copy of the findings of the Inquiry Officer. One of the main challenge to the chargesheet is the order dated 3rd April, 1996 by which a fresh charge-sheet has been issued, which is stated

(5)

to be illegal. It is alleged that once a minor penalty chargesheet is issued, proceeded against and thereafter it is cancelled, the fresh major penalty chargesheet could not have been issued without stating reason why the previous minor penalty chargesheet is cancelled. In support of this, the counsel appearing on behalf of the petitioner has relied upon a Circular dated 1.12.1993 which has been issued under the directions of a judgement of Bombay Bench of this Tribunal wherein the above contention has been stated to be scrupulously followed by the respondents. On perusal of the order dated 3.4.1996, it is seen that the cancellation of the minor penalty chargesheet is without prejudice and for the purpose of issuing a fresh major penalty chargesheet, after cancellation of minor penalty chargesheet. In any event, we are not recording any finding on this ground since no final order has been passed in the disciplinary proceedings.

We are not inclined to interfere in any manner against the order and monitor the disciplinary proceedings which are still pending before final order is passed and the statutory remedy of appeal is exhausted. The petitioner is given liberty to challenge the final order in accordance with law and all the pleas taken in this OA as well those that can be taken without being hit by the vice of resjudicata.

(6)

With these observations, this OA is disposed of  
with no order as to costs. It goes without saying that  
all interim applications as well as orders have become  
infructuous.



(K. Muthukumar)  
Member (A)



(Dr. Jose P. Verghese)  
Vice Chairman (J)

\*Naresh\*