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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No.641 of 1994

New Delhi this the 11th day of April, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman
Mr. B.K. Singh, Member(A)

Shri J.L. Jain
SC-6, Basant Lane,
New Delhi-110055.

...Applicant

By Advocate Shri K.B.S. Rajan

Versus

1. Union of India & Others
through Chairman-cum-Principal Secretary,
Ministry of Railways,
Rail Bhavan,
New Delhi.

2. Deputy Secretary (Estt.II),
Railway Board,
Rail Bhavan,
New Delhi.

...Respondents

By Advocate Shri R.I. Dhawan

ORDER (ORAI)

Mr. Justice S.K. Dhaon, Vice-Chairman

The applicant is a Member of the Indian Railway Accounts Service, On the relevant dates ^{he was} and even now he is a Financial Adviser-cum-Chief Accounts Officer (FA&CAO). In this O.A., the prayer is that the charge-sheet given to him on 02.12.1993, may be quashed.

2. It appears that the applicant has come to this Tribunal quite often. On 22.02.1989, while in service, he was given a charge-sheet. Immediately thereafter, on 30.03.1989 he filed O.A. 649 of 1989 in this Tribunal challenging the legality of the said charge-sheet dated 22.02.1989. On 13.03.1989, he was compulsorily retired from service. On 10.11.1989 he was given a second charge-sheet. Thereafter, he came to this Tribunal by means of O.A. 147 of 1990 and on 01.06.1990 an interim order was passed

5

in the said O.A. that the inquiry on the second charge-sheet dated 10.11.1989 shall remain stayed till the culmination of the proceedings initiated by the first charge-sheet dated 22.02.1989. He challenged the order of compulsory retirement by means of O.A. 147 of 1990. On 06.09.1991, the said order was quashed by this Tribunal. On 15.09.1992, the Special Leave Petition preferred by the respondents was dismissed by the Supreme Court and some time in December, 1992, the applicant was reinstated in service. On 16.03.1993, he was given another charge-sheet (the third charge-sheet). While giving the said charge-sheet, the Department reserved its right to withdraw the second charge-sheet and also stated therein that this was being done without prejudice to its rights to punish the applicant on the basis of the third charge-sheet. The affect, therefore, was that the second charge-sheet given to the applicant on 10.11.1989 stood withdrawn. On 06.09.1993, upon an application filed by the respondents, O.A. 147 of 1990 was dismissed as having become infructuous.

3. It appears that during the pendency of O.A. 649 of 1989 proceedings on the basis of the first charge-sheet went on and on 18.05.1992, the enquiry officer concluded the departmental proceedings. The applicant filed yet another O.A. in this Tribunal on 04.06.1992 being O.A. No.1508 of 1992 challenging therein the proceedings conducted by the enquiry officer on the basis of the charge-sheet given to him (the applicant) on 22.02.1989 and this Tribunal passed an interim order to the effect that final action shall not be taken in those proceedings. The interim order passed in O.A. 1508 of 1992 continues to operate even now.

4. We have heard the learned counsel for the parties. Learned counsel for the applicant has confined his submission to the prayer that we should pass the same type of order


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which was passed in O.A. 147 of 1990. His contention, therefore, is that we should direct the respondents not to proceed with the third enquiry on the basis of the charge-sheet given on 02.12.1993 till the culmination of the proceedings in the first enquiry. We have seen the record of O.A. 1508 of 1992. It appears to us that the said O.A. is ripe for hearing. It also appears to us that the said O.A. was heard in part by a Bench comprising Hon'ble Mr. N.V. Krishnan and Hon'ble C.J. Roy. The said O.A. shall, therefore, now be listed for hearing as soon as possible.

5. Having given due consideration to the said submission, we are inclined to accept the same. The respondents are directed not to proceed with the enquiry against the applicant on the basis of the charge-sheet dated 02.12.1993 till the culmination of the disciplinary proceedings initiated against the applicant on the basis of the charge-sheet dated 22.02.1989.

6. With these directions, this O.A. is disposed of finally but without any order as to costs.


(B.K. SINGH)
MEMBER (A)


(S.K. DHAON)
VICE CHAIRMAN

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