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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1444
T.A. No.

198 9

DATE OF DECISION 3.8.1989.

Shri J.B. Khanna Applicant (s)

Shri B.S. Mainee Advocate for the Applicant (s)

Versus

UOI & Ors. Respondent (s)

Smt. Shashi Kiran Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. L.H.A. Rego, Member (V)

The Hon'ble Mr. T.S. Oberoi, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ? } No
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT (oral)
(delivered by Shri L.H.A. Rego, Member).

The applicant has prayed herein that the disciplinary enquiry proceedings initiated against him and the impugned order dated 11.7.1989 passed by the Additional Divisional Railway Manager, Northern Railway, Moradabad thereon imposing the penalty of reduction to a lower grade, be quashed and that such of the reliefs as deemed appropriate in the circumstances of the case may be granted. Shri B.S. Mainee, counsel for the applicant, submitted that the applicant has filed an appeal on 27th July, 1989 to Respondent No. 3, viz. the Appellate Authority, and prayed that the interim relief granted by us on 21.7.1989 may be continued till the decision of that appeal, leaving all contentions urged by him in the present application open.

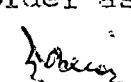
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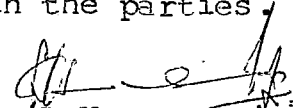
2. Mrs. Shashi Kiran, learned counsel for the respondents, pleaded that as the applicant was involved in a grave misconduct endangering public safety, it would not be proper to post him back in the very post where such misconduct on his part came to notice and for which he was proceeded against and punished. She, therefore, urged that the punishment meted out to the applicant was condign and proper and, should, therefore, be given effect to in administrative interest.

3. We have examined the contentions urged by both sides. We feel that ex debito justitiae this matter is first decided by the Appellate Authority to whom the applicant has now submitted an appeal. The Appellate Authority will decide the appeal taking into account the alleged infirmities pointed out by the applicant in the application before us, bearing in mind the principles enunciated by the Supreme Court in 1986 (2) SLR (SC) 608 - Ram Chander Vs. UOI & Ors. We direct the Appellate Authority to decide the appeal by the end of October, 1989. If the Railway Administration feels that in administrative interest and public safety, it is not desirable to continue the applicant in the present post, it is upto it to give him a suitable post ^{or} elsewhere without bringing into effect the punishment imposed in the impugned disciplinary proceedings, till the decision of the appeal.

4. The application is disposed of in the light of the above observations, with liberty to the applicant to approach this Tribunal afresh in case he is yet aggrieved with the decision of the Appellate Authority.

No order as to costs. Dasti to both the parties.


(T.S. Oberoi)
Member (J)


(L.H.A. Rego) 3.8.89
Member (A)