IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

154

Regn. No. CCP- 295/91 in OA-331/87 Date of decision: 11.12.1991

Shri Sunehra Ram Petitioner

Versus

General Manager, Northern Railway, Baroda House, New Delhi. Respondents

For the Petitioner .... Shri Umesh Mishra, Counsel

For the Respondents ..... Shri O.N. Moolri, Counsel.

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (J).

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgment? Yes

2. To be referred to the Reporters or not? No

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha, Vice Chairman (J).)

The petitioner in this C.C.P. is one of the original applicants in O.A. 331/87 which was disposed of by judgment dated 10.5.1988. The petitioner, who was a railway employee, had been removed from service under Rule 14(ii) of the Railway Servants (Discipline and Appeal) Rules, 1968, without holding an inquiry vide order dated 29.1.1981. He filed a writ petition in the Delhi High Court along with others, which was ultimately transferred to the Supreme Court and the same was decided along with Union of India Vs. Tulsi Ram Patel, 1985 (3) S.C.C. 398.

2. The review petition filed by the petitioner thereafter, demanding full and complete enquiry, was rejected by the respondents. In view of this, he filed OA-331/87 in the Tribunal, seeking the same relief. By judgment dated 10.5.1988, the Tribunal directed him to send a copy of the review petition to the respondents, who were directed to dispose it of, in accordance with law. He was also given

155

the liberty to approach the appropriate legal forum in accordance with law, in case he was still aggrieved by the orders of the respondents. He was also allowed to remain in possession of the railway quarter till the disposal of the review application by the respondents subject to his payment of rent, as per rules.

3. It has been alleged in the C.C.P. that the respondents have not complied with the directions given by the Tribunal. According to him, the respondents have no material against him and that is why, they are reluctant to hold an enquiry. He has further stated that he is on the verge of starvation and that his children are denied the necessities of life. He has undertaken to maintain peace during the enquiry and not to delay the same in any manner.

4. We have carefully considered the matter. In the case of Shri Guru Dial Joshi against whom also similar proceedings had been taken and who was also an applicant in OA-331/87, this Tribunal has disposed of CCP-61/89 filed by him by judgment dated 29.11.1991 after hearing the learned counsel for both the parties. The reasons set out in paras 5 to 9 of the said judgment equally hold good in the case of Shri Sunehra Ram , the petitioner in the present C.C.P. Accordingly, taking into account the fact that more than a decade has passed from the date of removal of the petitioner from service during which period, he had remained unemployed, and the fact that he and his family have been deprived of pensionary and other retirement benefits, we remit the case to the respondents with the direction to hold a regular enquiry in accordance with the provisions of the Railway Servants (Discipline & Appeal) Rules, 1968. The petitioner shall cooperate with the conduct of the enquiry in all stages. The enquiry shall be held as expeditiously as possible, but in no event later than six months from the date of communication of this order. The C.C.P. is disposed of accordingly, treating it as a Misc llanous Petition.

5. There will be no order as to costs.

(B.N. Dhoundiyal) 10.12.91
Administrative Member

(P.K. Kartha) 10/12/91
Vice-Chairman (Judl.)