

(27)

Central Administrative Tribunal  
Principal Bench, New Delhi

OA No.1982/90

New Delhi: February 20, 1995.

Hon'ble Mr S.R.Adige, Member(A)  
Hon'ble Mrs Lakshmi Swaminathan, Member (J)

Roshal Lal  
S/o Bala Ram  
R/o Old 2B/126, New No.1276  
Jawahar Colony, NIT  
Faridabad (Haryana) ....Applicant  
(By Advocate: Mr. Mahesh Srivastava)

Versus

1. Union of India through  
General Manager  
Northern Railway  
Baroda House  
New Delhi
2. Senior D.M.E. (OP)  
D.R.Office  
Pahar Ganj  
New Delhi ...Respondents

(By Advocate:Mr. Shyam Moorjani)

JUDGEMENT (Oral)

Hon'ble Mr S.R.Adige, Member (A)

In this application, Shri Roshal Lal, Telephone Attendent, Northern Railway and posted at Tuglakabad, New Delhi, has prayed for a direction to the respondents to take him back on duty with all benefits including back wages etc. He has also prayed for quashing of the charge-sheet dated 25.9.1990 (Annexure-B), which has been issued to him.

2. According to the applicant, he entered the services of the respondents in 1966. He claims to have fallen sick on 11.6.1979, compelling him to remain away from duty, and he remained in this condition till 24.9.1980. He states that during this period, he was making applications for grant of relief and when he became fit, he

wanted to resume his duty on 25.9.1980 and he also claims to have submitted a medical certificate along with fitness certificate, but was not allowed to join duty on the ground that there was a vigilance case against him and till he was cleared from the same, he would not be allowed to join. He claims that this vigilance case related <sup>is not</sup> ~~to him but~~ <sup>to</sup> <sup>also</sup> another person named Roshal Lal. In this connection, he also states that Loco Foreman, Tuglakabad sought clarifications from his superior officers vide his letter dated 19.3.1981 whether to allow the applicant to join duty or not, but no response was received to that letter. In any case, the applicant does not deny that ultimately he <sup>only</sup> reported for duty ~~on~~ 5.6.1989.

3. The respondents have challenged the contents of the OA and pointed out that the applicant absented himself unauthorisedly since 1979. Ultimtately, he reported back for duty in July 1989 and as this long period of unauthorised absence amounted to misconduct, he was served a charge-sheet by order dated July 1989 (Annexure-B).

4. During hearing, Mr Srivastava for the applicant stated that the <sup>now</sup> enquiry had been completed and <sup>now</sup> orders of the disciplinary authority ~~remained~~ <sup>had</sup> to be passed.

5. It is well settled that Tribunal/Court should not interfere with disciplinary proceedings at interlocutory stages, and now that as per Mr Srivasatav's own averment, <sup>that</sup> the enquiry has been completed and only the disciplinary authorities' orders remain to be passed, there is even less reason why the Tribunal should interfere in this matter at this stage.

6. In the circumstances, this application is disposed of with the observation that in the event the enquiry has been completed as averred by Mr Srivastava, the respondents should pass necessary orders on the enquiry report within a period of 3 months from the date of receipt of a copy of this judgement. In the event that any

grievance still survives, the applicant may, after exhausting challenge of appeal and/or any other statutory remedies, if so advised, agitate the matter through appropriate fresh proceedings in accordance with law.

7. Before coming close to the case, mention may be made of the fact that Mr Srivastava has averred before us that the applicant has not been paid any sum of money even from the date he participated in the enquiry being conducted against him. It will be open to the applicant to make <sup>fresh representations</sup> ~~in this regard~~ to the authorities who will consider the same and dispose it of, at the time they pass the final orders in the disciplinary proceedings. No costs.

*Lakshmi Swaminathan*  
(Lakshmi Swaminathan)

Member (J)

*S.R. Adige*  
(S.R. Adige)  
Member (A)

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