

Central Administrative Tribunal
Principal Bench, New Delhi.

(5)

OA-1832/91

New Delhi this the 9th Day of April, 1996.

Hon'ble Sh. B.K. Singh, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Shri P.S. Ahluwalia,
C/o Sh. B.S. Mainee,
Advocate,
240 Jagriti Enclave,
Delhi-92.

Applicant

(through Sh. B.S. Mainee, advocate)

versus

1. Union of India through
The Secretary, Ministry of
Railway, Railway Board,
Rail Bhavan, New Delhi.

2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

Respondents

(through Sh. P.S. Mahendru, advocate)

ORDER (ORAL)

delivered by Hon'ble Sh. B.K. Singh, Member (A)

Heard the learned counsel for the parties.

It has been stated by the learned counsel that the applicant retired on 31.10.1984 and disciplinary proceedings were initiated in January, 1988. The submissions and commissions for which the disciplinary enquiry was started pertained to the period from January, 1984 till the date of retirement and only one chargesheet without any break up of various articles was given. The Hon'ble Supreme Court in a *catena of judgements* have held that the Tribunal is not competent to look into the correctness of

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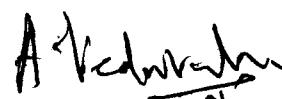
charges and that they should refrain from quashing the chargesheet or the suspension order. In the instant case the suspension is not involved. The applicant has already retired and has got the retiral benefits. The learned counsel for the applicant states that after the retirement, an employee wants a peaceful life and that the disciplinary enquiry which was started in the year 1988 should be completed expeditiously. He also drew the attention of the Tribunal to the schedule for completion of disciplinary enquiry against a delinquent employees within a period of 202 days as per Railway Board Circular. He also pointed out that the disciplinary enquiry has not been completed within the stipulated time. It is imperative that the respondents should complete the enquiry within a period of four months and will also supply all the copies of the documents relied upon by the prosecution. This is necessary so that the applicant is enabled to defend himself properly before the Enquiry Officer and the rule of natural justice is also observed. The respondents are duly bound to have a sense of empathy which means the capacity to project themselves in the place of the affected officer and to realise his problems. If this is done, I am sure that they would be able to finalise the proceedings within a period of four months as agreed to by the learned counsel on either side, from the date of receipt of a certified copy of this order.

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(A)

With the above observations, the O.A. is disposed off finally but without any order as to costs.



(Dr. A. Vedavalli)
Member (B)



(B. K. Singh)
Member (A)

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