

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. No. 3101/91

Date of Decision 5.9.93

Shri Mahesh Chand Katiar

... Petitioner

Vs

Union of India
General Manager,
Northern Railways

... Respondents

Coram:

The Hon'ble Mr. I.K. Rasgotra, Member (A)

The Hon'ble Mr. B.S. Hegde, Member (J)

For the Petitioner ... Shri B.S. Maine, Counsel

For the Respondents ... Shri N.K. Aggarwal, Counsel

(Oral Judgement of the Bench delivered by
Hon'ble Mr. I.K. Rasgotra, Member(A)

The petitioner was appointed as substitute loco cleaner on 7.7.1988. He was given this appointment on the basis of service rendered by him earlier with the respondents. He was issued a Memorandum Charge Sheet for major penalty on 9.4.1991 on the charge that he secured employment by furnishing an undated Casual Labour Service Certificate obtained by him without having worked at Khalia Station during that period, as Hot Weather Water Man. The petitioner denied the charges. An enquiry was held and the copy of the enquiry report was sent to the petitioner on 16.12.1991, to enable him to submit any representation within 15 days of the receipt. At this point of time the petitioner approached the Tribunal by filing O.A. No. 3101 on 24.12.1991. The Tribunal granted an Interim Order dated 24.12.1991 restraining the respondents from proceeding with the disciplinary

proceedings. Consequently, the disciplinary proceedings remained in animated suspension.

We have heard the learned counsel for both the parties and considered their respective submissions carefully. We are of the opinion that the proceedings initiated in accordance with the law should be brought to its logical conclusion. The petitioner has been given a copy of the enquiry report and provided an opportunity to submit his representation to the disciplinary authority. He should do so, allowing the disciplinary authority to take a final decision in the matter. If he is aggrieved by the order of the disciplinary authority, he shall have an opportunity to present his case in appeal before the Appellate Authority. In the circumstances of the case, we consider it just and proper to vacate the Interim Order granted on 24.12.1991. The petitioner, however, shall be at liberty to approach the Tribunal if he is aggrieved by the final order passed by the respondents in accordance with the law.

Since the matter has been pending at the show cause stage in view of the OA. filed by the petitioner and interim order passed by the Tribunal, we direct the petitioner to submit his representation to the Disciplinary Authority within 4 weeks from the communication of this order and the disciplinary authority to take a decision in the matter latest within 8 weeks from the date of receipt of the representation so made by a reasoned order. The O.A. is disposed of with the above observation. No costs.


(B.S. Hegde)
Member (J)


(I.K. Rasgotra)
Member (A)