

2

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No.2011/2004

New Delhi this the 23<sup>rd</sup> day of August, 2004

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

Shri Jagpal Singh,  
S/o Shri Mam Chand,  
Shunting Porter, Jagadhari Workshop,  
Northern Railway, Jagadhri.

-Applicant

(By Advocate: Shri B.S. Mainee)

Versus

Union of India , through

1. The General Manager,  
Northern Railway,  
Baroda House, New Delhi.
2. The Divisional Rly. Manager,  
Northern Railway, State Entry Road,  
New Delhi.
3. The Senior Divisional Operating Manager,  
Northern Railway, State Entry Road,  
New Delhi.

-Respondents

ORDER (Oral)

Learned counsel heard.

2. Earlier on, applicant had approached this Tribunal through OA-209/2002 assailing applicant's dismissal from service in disciplinary proceedings against him. This OA was allowed quashing the impugned orders of dismissal on 22.10.2002 with the following directions to the respondents:-

"In the present case, extraneous factors have been taken into consideration. On this short ground, therefore, the impugned order is liable to be quashed. Accordingly, we allow the application and quash the impugned order dated 30.3.2000. We, however, remit the matter to the disciplinary authority, who would pick up the loose threads and may construe the articles of charge and factors, which can be taken into consideration, and thereafter pass a fresh order".

Wh

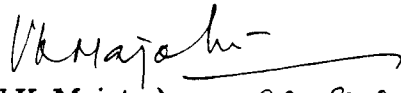
-2-

3

3. Learned counsel pointed out that respondent have taken long time in issuing the charge sheet again. A fresh charge sheet was issued on 14.8.2003. However, they have not considered applicant's request to pay subsistence allowance at the enhanced rate of 75% as per the relevant rules. Respondents have also not correctly worked out the subsistence allowance for the earlier period from 30.3.2000 to 14.8.2003. He further contended that though a period of more than six months has elapsed, respondents have not reviewed the suspension of the applicant by passing a suitable speaking and reasoned orders.

4. It is observed that a period of approximately two years has elapsed since applicant's earlier OA against his dismissal from service was allowed on 22.10.2002. Respondents have not acted expeditiously in issuing the charge sheet again in terms of directions of this court. They have also not as yet considered enhancing the rate of subsistence allowance, working out the details of subsistence allowance for the earlier period from 30.3.2000 to 14.8.2003 and have also not reviewed applicant's suspension under the relevant rules.

5. In my considered view, at this stage without putting the respondents on notice, while their rights shall not be prejudiced, in the interest of justice, this OA can be disposed of with a direction to the respondents to consider this OA as a representation and consider applicant's prayers by passing a detailed and speaking order within a period of one month from the date of communication of these orders. Allowed accordingly.

  
(V.K. Majotra) 23.8.04  
Vice Chairman (A)

cc.