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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1733/92

New Delhi: this the 14th October, 1997,

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN(A)

HON'BLE DR.A.VEDAVALLI, MEMBER(J)

Shri Virender Kumar,
S/o Shri Hira Lal,
Gangman,
under PWI (PQRS)
Doraha

.....Applicant.

(By Advocate: Shri B.S.Mainee)

Versus

Union of India through

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

2. The Dy.Chief Engineer Tract (PQRS)
Northern Railway,
New Delhi.

3. The Assistant Engineer (PQRS)/SPL,
Northern Railway,
Ambala

.....Respondents.

(By Advocate: Shri R.L.Dhawan)

JUDGMENT

BY HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN(A),

Applicant impugns the charge sheet dated 22.8.89 (Annexure-A1) alleging that he secured employment in the Railway by producing fictitious Casual Labour Card after bribing the Railway servant, and Enquiry Officer's finding communicated to him vide letter dated 6.4.92(Annexure-A2) permitting him to make any representation against E.O's finding.

2. It is noted that without availing ^{the} _{an} remedy of filing representation, applicant has approached

(11)

the Tribunal, and obtained the interim orders on 7.7.92 on the basis of which he is still continuing in service.

3. The Hon'ble Supreme Court in a catena of judgments has strongly deplored the practice of Courts/Tribunals interdicting departmental proceeding at an interlocutory stage. That apart, no final order in the disciplinary proceeding has been passed by the respondents, and Section 20 AT Act lays down that applicant has first to exhaust the remedies available to him under relevant Service Rules.

4. In the light of the above, Reliance on 1985 SCC (L&S) 815 Anil Kumar Vs. Presiding Officer does not help the applicant, in the facts and circumstances of this particular case.

5. In the result, the interim orders are vacated. It will be open to the applicant to represent against the findings of the Enquiry Officer within one month from the date of receipt of a copy of this judgment, on receipt of which respondents should dispose of the representation, and pass the final order in the disciplinary proceeding, in accordance with law. In the event that no representation is filed by the applicant against the EO's findings, it will be open to the respondents to proceed in accordance with law, on the basis that the applicant does not intend to file any representation on the findings of the EO.

(2)

If the applicant is aggrieved by the order of the Disciplinary Authority, he should in the first instance exhaust the appellate and revisional forum available to him, and only after exhausting statutory remedies, if he is still aggrieved, he may approach Tribunal through appropriate original proceedings in accordance with law.

6. The OA is disposed of in terms of para 5 above. No costs.

A Vedavalli
(DR.A.VEDAVALLI)
MEMBER(J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN(A).

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