

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

17

O.A. No. 2063 Of 1992

New Delhi, dated this the 22nd Sept., 1997

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Hira Lal,
S/o Shri Khaile,
R/o 359/7, Mandoli Village,
New Delhi.

... APPLICANT

(By Advocate: Shri B.S.Mainee)

VERSUS

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divl. Railway Manager,
Northern Railway,
Allahabad.

3. The Asst. Engineer (I),
Northern Railway,
Allahabad.

.. RESPONDENTS

(None appeared)

ORDER (Oral)

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

Applicant impugns the Respondents' order dated 22.9.85 and seeks a direction to Respondents to allow him to perform his duties with pay and allowances from the date he was allegedly, illegally discharged, till the day he is reinstated with all consequential benefits.

2. We have heard applicant's counsel Shri Mainee, ~~and~~ None appeared for the Respondents even on the second call.

✓

3. We note that this OA was dismissed on 27.1.97 but thereafter it was ordered to be restored vide order dated 6.2.97.

4. On the last date Respondents' counsel Shri Mahendru had sought an adjournment to produce the relevant departmental records, but when the case was called out today (22.9.97) neither did Shri Mahendru ^{appear} even on the second call, nor were the relevant departmental records produced for our perusal. Under the circumstances we are proceeding to dispose of this case after hearing Shri Mainee and on perusing the available materials on record.

5. Shri Mainee has invited our attention to the impugned removal order dated 22.5.85 (Annexure-A3) and contends that Respondents initiated Departmental Enquiry against applicant, after his removal from service vide order dated 1.6.88 (Annexure-A1). It is further contended that even after the enquiry was initiated vide order dated 1.8.88, no final orders have been passed.

6. There are no materials on record to show that the impugned order dated 22.9.85 removing applicant from service was passed after disciplinary proceedings against him had concluded. Manifestly such a course of

16

19


action adopted by Respondents of removing applicant from service and subsequently initiating disciplinary proceedings against him is wholly at variance with the law and cannot under any circumstance be sustained.

7. The impugned order dated 22.9.85 is therefore quashed and set aside and applicant will be deemed to have continued in service with all consequential benefits. It will be open to the Respondents to proceed against him in accordance with law. In this connection, we are told that applicant is continuing in service on the strength of the interim order dated 18.12.92.

8. The OA stands disposed of in terms of para 7 above. No costs.

9. Later, after the above orders were dictated, Respondents' counsel Shri Mahendru appeared.


(DR. A. VEDAVALLI)
MEMBER(J)


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

/ug/