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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O. A. No. 2071 of 1992

New Delhi, this the 21st day of December, 1993.

Hon'ble Mr Justice S.K. Dhaon, Vice Chairman.

Hon'ble Mr B.N. Dhoundiyal, Member (A).

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1. Shri Kanwar Pal, S/Shri Hubbal,
Casual Gangman,
Northern Railway, Doraha,
Dorha.
2. Ram Datt, S/O Shri Gaya Ram.
3. Hari Singh, Gaya Ram
4. Gajraj, Nawab Singh
5. Rukan Pal S/O Maharaj Singh
6. Amar Singh, S/O Mangal Singh
7. Balbir S/O J.M. Singh
8. Hub Lal S/O Ganga Ram
9. Khajan Singh S/O Charan Singh
10. Raghbir Singh S/O Mangal Singh
11. Bhuri Singh S/O Hari Om.
12. Udai Veer S/O Jai Singh.
13. Jaswant Singh S/O Videy Ram.
14. Kumar Pal S/O Shri Hus Lal.
15. Chiranji Lal S/O Maharaj Singh.
16. Jai Pal Singh S/O Om Parkash.
17. Suresh S/O Ram Singh.
18. Bhoj Raj S/O Vas Dev.
19. Chander Pal S/O Mukandi Lal.
20. Rajan Singh S/O Nawab Singh
21. Chokhe Lal S/O Maha Raj Singh.
22. Mohar Pal S/O Ved Ram.
23. Tara Singh S/O Daya Ram.
24. Raj Pal Singh S/O Yudhveer Singh
25. Daya Ram S/O Jive Ram
26. Bhopal S/O Ayodi Pal,
27. Rama Pati Mishra S/O Kalu Ram.
28. Kali Ram S/O Charan Singh

2 to 28 working as Casual Gangman,
in the office of Doraha, under PWI, Doraha.

.... Applicants.

(by Mr B.S. Mainee, Advocate).

versus

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Dy. Chief Engineer Track (PQRS)
Northern Railway,
New Delhi.
3. The Assistant Engineer (PQRS)/SPL
Northern Railway, Ambala..... Respondents.

(by Mr R.L. Dhawan, Advocate).

ORDER (oral)

PER S.K.DHAON, VICE CHAIRMAN

Disciplinary proceedings have been initiated against the petitioners. A Charge-sheet has been given to them. No final orders have been passed as yet. Nevertheless, they have approached this Tribunal by means of this Original Application.

2. The prayer, in substance, is that the disciplinary proceedings may be quashed. In fact, the prayer is that the charge-sheet may be quashed. The gravamen of the charge is that for the purpose of securing services as Casual Labourers, the petitioners produced a Card that they were working in the Railways and the Cards produced by them have been found to be fake.

3. The case set up by the petitioners is that, in fact, they had not produced any Card. Under our directions, the learned counsel for the Respondents has produced the relevant cards. The learned counsel for the petitioner vehemently contends that these cards were not produced by the petitioners. At this stage, it would not be safe to record any finding ^{on} ~~to~~ the crucial question as to whether the petitioners have produced the cards, in question.

4. The record discloses that the petitioners have already been examined by the Inquiry Officer. It further discloses that none of the twenty prosecution witnesses, as mentioned ^{at} ~~in~~ the foot of the charge-sheet have been examined so far. Shri Mainee contends that none of the ten documents, as mentioned in the charge-sheet, have been brought on the record and that the procedure adopted by the Inquiry Officer vitiates the entire proceedings and this is enough

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to quash the proceedings. Shri R.L.Dhawan, learned counsel for the respondents, on the other hand, has stated at the Bar that since the fate of the petitioners will turn upon the appreciation of the documentary evidence, the department will not produce any witness, who may depose on facts. We make it clear that in the departmental proceedings, the department shall not be permitted to examine any witness stating facts relating to the merits of the charge/charges. However, it will be open to it to produce formal witness or witnesses.

5. All told, we do not consider it a fit case for interference at this stage. However, we direct the Inquiry Officer, who is present in Court, to complete the departmental proceedings, within a period of three months from the date of this order. It goes without saying that if, ultimately, the petitioners are punished in the departmental proceedings, it will be open to them to challenge the orders of punishment before appropriate forums.

6. With these observations, the O.A. stands disposed of but with no order as to costs.

B.N. Dhoundiyal
 (B.N.Dhoundiyal)
 Member(A)

S.K. Dhawan
 (S.K. Dhawan)
 Vice Chairman

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