(P)

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-2574/92

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE MR. S.P. BISWAS, MEMBER(A)

New Delhi this the 6th day of November, 1996.

Shri Munir Ahmed,
S/o Shri Sher Ali,
Substitute Loco Cleaner
under Locoforeman,
Northern Railway,
Moradabad.

.... Applicant

(through Shri B.S. Mainee, advocate)

versus

Union of India through

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

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

3. The Assistant Mechanical Engineer(I),
   Northern Railway,
   D.R.M. Office,
   Moradabad.

.... Respondents

(through Shri P.S. Mahendru, advocate)

The application having been heard on 6.11.1996 the Tribunal on the same day delivered the following:

ORDER

Chettur Sankaran Nair(J), Chairman

Applicant challenges an enquiry report, which by itself cannot operate to the detriment of applicant. He apprehends that on the basis of this report the Disciplinary Authority would pass an order without applying his mind.

(11)

2. It will not be proper for this Tribunal to make a preview of the evidence and guess the outcome of the proceedings of an enquiry. While dealing with the enquiry report, the Disciplinary Authority will examine the contention of the applicant that the enquiry report even if accepted in full, would not make out the charge. The enquiry authority appears to have reached the conclusion that the absence of muster roll register, pay sheet register and pay vouchers militates against the authenticity of the Live Casual Labour Register. Whether this finding will stand scrutiny is a matter which the Disciplinary Authority will consider while passing a speaking order on the bais of the enquiry report. With this direction we dispose of the application. No costs.

3. Applicant will be free to submit a reply in brief contemplated by the rules.

Dated, the 6th day of November, 1996.

(S.P. Biswas)
Member (A)

(Chettur Sankaran Nair (J))
Chairman

/vv/