

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.2124 of 1993

This 7th day of March, 1994

Hon'ble Mr. J.P. Sharma, Member (J)
Hon'ble Mr. B.K. Singh, Member (A)

R.L. Chaurasia,
Traffic Inspector,
D.R.M., Northern Railway,
Moradabad,
Resident of
Railway Quarter No. T-27A,
Northern Railway,
Bareilly (U.P)

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Applicant

By Advocate: Shri R.K. Kamal

VERSUS

Union of India, through

1. The Secretary,
Railway Board,
Rail Bhavan,
New Delhi.
2. The Chief Operating Manager,
Northern Railway,
Baroda House,
NEW DELHI.
3. The Additional Divisional Railway Manager,
Northern Railway,
Moradabad Division,
Moradabad (U.P)

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Respondents

By Advocate: Shri H.K. Gangwani

ORDER (Oral)

The applicant was issued a charge-sheet for holding departmental inquiry against him under Rule 9 of the Railway Servants (Discipline & Appeal) Rules 1968 and the Inquiry Officer submitted his findings on which the Disciplinary Authority passed the order dated 30th September, 1991 (annexure A-2) imposing the penalty of reduction of pay for three years but on appeal the appellate authority by the order dated 22.6.92 reduced this punishment to 1½ years after giving the applicant a benefit of doubt. The applicant also preferred a revision under Rule 25 of the Rules which

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was not disposed of till the filing of this application on 4.10.93 but appears to have been disposed subsequently on 19.1.94 by which the punishment imposed by the D.A. and ~~was~~ reduced by the appellate authority has been quashed. However, the learned counsel for the applicant during the course of hearing apprised us of the contents of that order wherein a de novo inquiry after quashing the punishment has been ordered. A copy of that order has not been annexed by the respondents with their reply. However, what has been stated by the learned counsel for the applicant has not been disputed by the respondents' counsel.

2. In view of the above facts there remains nothing to be adjudicated upon as the punishment imposed upon the applicant has already been quashed in the revision filed by the applicant by the order of January 1994.

3. The learned counsel for the applicant, however, highlighted the facts that the respondents have not taken the pendency of the proceedings against the applicant in the manner in which they are required to deal with under the rules. They have taken abnormally long time and in such a situation ^{if} a de novo inquiry is also held and sufficient time is taken then it will cause another harassment to the applicant for years to come. He has therefore ^{requested} ~~wanted~~ that a time limit be fixed within the framework of which the respondents should finally decide the departmental proceedings.


4. It is clear from the records that even the respondents have taken more than a year to dispose of a simple revision petition against the impugned order. It is also evident from the record that the appellate authority was not fully convinced regarding the establishment of guilt in the

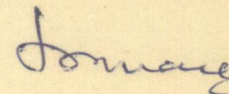
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departmental proceedings and thereby half-heartedly reduced the punishment imposed by the Disciplinary Authority. However, the Tribunal cannot go into that question and further, there is no punishment existing against the applicant. The learned counsel for the applicant, however, states that the applicant has already undergone the punishment imposed by the respondents. If that is the situation, the applicant shall be restored in the same position as if no punishment has been imposed upon him.

5. The learned counsel for the applicant has also orally requested for fixation of time limit, though there is no specific prayer to this effect in the original application. It appears also to be just and fair that the applicant should not be made to face harassment for years to come. In these circumstances the application is disposed of in the manner that the application has become infructuous but the respondents are directed to expeditiously dispose of the departmental proceedings within a period of six months from the date of communication of this order. If the applicant is still aggrieved after the finalisation of the disciplinary proceedings, he shall be at liberty to agitate the same.

Cost on parties.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (J)

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