

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

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O.A. NO. 429/93

Date of Decision : 24/02/93

Shri Baij Nath Ram

...Applicant

Vs.

Union of India & Ors.

...Respondents

CORAM

Hon'ble Shri J.P. Sharma, Member (J)

Hon'ble Shri S.R. Adige, Member (A)

For the Applicant

...Shri K.N. Nagpal

For the Respondents

...None

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J))

The applicant has been working as a regular worker in the Office of the Inspector of Works, Northern Railway as a permanent Khallasi and was deputed to discharge the duties of a Valveman. The applicant was suspended on 21.7.1989 and during suspension, he was transferred to Shaamli. The applicant has been served with a chargesheet dt. 22.10.1992 and it is alleged that the applicant with Shri Suraj Ram was involved in a fight with IOW and AEN and a FIR was lodged against the applicant and a criminal case is also pending in the Tees Hazari Court. In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed that the chargesheet dt. 22.10.1992 be quashed.

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2. We have heard the learned counsel for the applicant on the point of admission. The first contention of the learned counsel is that the chargesheet has been served after more than three years. The delay in serving of the chargesheet has been assailed by the applicant. The applicant has been involved in an offence of assault on IOW and AEN for which the FIR was lodged under Section 186/356/332/324 read with Section 34 IPC. Thus it cannot be said that there is any inordinate delay in serving the chargesheet on the applicant. It requires some time to collect the evidence in a case of the present nature. The applicant has been immediately suspended. Thus this contention of the learned counsel has no force.

3. The learned counsel for the applicant has also referred to the fact that along with the annexures supplied to him with the Memo of chargesheet, the suspension order pertaining to one Shri Suraj Ram, s/o Shri Ram Dev Ram has been supplied. However, if these documents have not been correctly supplied along with the memo of chargesheet, the applicant can inform the Enquiry Officer regarding that fact. The applicant cannot make out a case for quashing of the chargesheet on that ground. From the record

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it appears that Shri Suraj Ram and the applicant are brothers. Shri Suraj Ram was also formerly a Khallasi under Inspector of Works and it is said that both the brothers have conspired to assault IOW and AEN.

4. There is no material to justify the quashing of the charges at this stage when already the enquiry has commenced against the applicant. There is a misconduct attributed to the applicant and the Disciplinary Authority after application of mind appointed the Enquiry Officer. The enquiry is in progress. No case is made out to quash the said chargesheet. The application is, therefore, dismissed at the admission stage itself.

*S.R. Adige*  
(S.R. ADIGE)  
MEMBER (A)

*J.P. Sharma*  
(J.P. SHARMA)  
MEMBER (J)