

In the Central Administrative Tribunal  
Principal Bench: New Delhi

Date of decision: 15.04.1993.

OA No. 547/93

...Petitioner

Shri Chandan Lal Malik

Versus

Union of India through the  
General Manager, Northern  
Railway, Baroda House, New  
Delhi & Others

...Respondents

Coram:-

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman  
The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the petitioner : None

For the respondents : Sh. R.L. Dhawan, Counsel.

Judgement(Oral)  
(Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman)

Two prayers have been made in this application. The first is that the charge-memo given to the applicant may be quashed and the other is that the order of suspension may be quashed.

2. We find that the charge-memo also relates to an incident dated 7.1.1992 whereas the charge-memo was given to the applicant on 18.2.1993. Therefore, prima facie, there is no inordinate delay in launching the departmental proceedings. We are, therefore, not inclined to grant the first relief at this stage.

3. So far as the second relief is concerned, under Rule 18 of the Railway Servants (Discipline & Appeal) Rules, 1961 an order of suspension pending departmental proceeding is appealable. The appeal having not been preferred by the applicant, we are not inclined to interfere at this stage. However, we make it clear that it will be open to the applicant to file an appeal. We

say

(3)

find that Rule 18 of the Rules prescribes time limit for filing such an appeal. However, in the interest of justice we direct that if the applicant prefers an appeal within four weeks from today, the same shall be entertained by the Appellate Authority and disposed of in accordance with law, treating the same as filed within the time.

4. With these directions this application is disposed of finally but without any order as to costs.

*I.K. Rasgotra*  
(I.K. Rasgotra)

Member (A)

*S.K. Dha*  
(S.K. Dha)

Vice-Chairman

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