

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH,
ALIAHABAD

Allahabad : Dated This The 22nd August, 1996

CORAM: HON'BLE DR. R.K. SAXENA, JM
HON'BLE MR. D.S. BAWEJA, AM

ORIGINAL APPLICATION NO. 881 OF 1996

DISTRICT : GORAKHPUR.

K. R. Yadav aged about 57 years
son of Sri R.B.Yadav,
resident of 609 A, Deri Colony,
N.E. Railway, Gorakhpur. At
present posted as Executive Engineer
(Surevy) (Construction), N.E.Railway,
Gorakhpur

- Applicant

(C / A Sri R.K.Srivastava)

Versus

1. Union of India through its
Secretary, Ministry of Railway,
New Delhi
2. Railway Board through its
Chairman, New Delhi
3. General Manager, N.E. Railway,
Gorakhpur
4. Chief Personal Officer,
N.E.Railway, Gorakhpur
5. Chief Administrative Officer,
(Construction), N.E.Railway,
Gorakhpur

- Respondents

(C/R

ORDER

By Hon'ble Dr. R.K.Saxena, J.M.

The applicant K.R. Yadava has approached the Hon'ble Tribunal through this O.A. No. 881 of 1996 claiming reliefs that the pending departmental proceedings against him, be directed to be completed within two months; the balance of the salary during the period of suspension be directed to be paid; and, the directions may also be given to the respondents to promote the applicant and give the consequential benefits.

2. The brief facts of the case are that the applicant was working as Executive Engineer (Survey) (Construction), N.E. Railway, Gorakhpur. He was required to expedite the targetted work of gauge conversion ~~to~~² project of Burhwal, Sitapur. It is claimed that the applicant was working there but at the same time, the General Manager was not pleased and placed the applicant under suspension vide order dated 12.1.1994 (Annexure No.I). The applicant approached the Railway Board which in exercise of the powers under Clause 'C' (C) of Sub-Rule 5 (5) of the Railway Servants (D)(A) Rules 1968, revoked the said order of suspension with immediate effect. As regards the payment of the salary, the direction was that the concerned authority would pass an order at the appropriate stage after the conclusion of the contemplated disciplinary / proceedings.

3. It appears that thereafter the applicant was served with a charge sheet dated 28.2.1996 and according to the applicant nothing has been done after the service of the said charge sheet. It is contended that even the Enquiry Officer has not been nominated. Hence, this O.A. with the three reliefs as already mentioned.

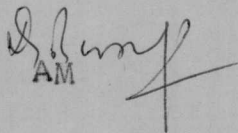
4. Today the case is listed for admission and Sri R.K.Srivastava

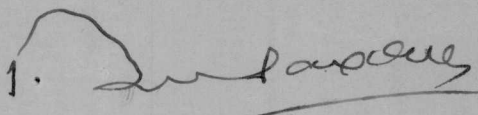
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Counsel for applicant is present and on behalf of the Respondent Sri Prashant Mathur has also appeared. Both the Counsels pleaded that directions for completion of enquiry be given. Sri R.K.Srivastava is not pressing the reliefs in Clause 8(B) and 8 (C) at present. It has also been contended that the applicant would be retiring in January, 1997. In view of this fact, it becomes necessary that the pending enquiry be completed. Sri Prashant Mathur seeks eight weeks time to complete the enquiry from the date of receipt of ^{copy of} the judgement. We accordingly direct the Respondents to complete the enquiry and the final conclusion be reached within the said period of eight weeks. The applicant is also directed to cooperate during the enquiry because non-cooperation will not bind the Respondents for completion of the enquiry in the said period.

5. As regards the reliefs in Clause 8(B) and 8(C), the learned Counsel does not press. More-over these reliefs may always be available after the final decision in the departmental proceedings is taken.

6. With these directions the O.A. stands disposed of.


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RJ

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Hon Mr C. S. Ennis
Hon Mr P. L. Bremer

Misc. attached 7/97
has been filed by the
respondent seeking
extension of time in Canada
company. Copy of the
same has been sent to
the applicant by registered
post. Use the case folder
on 20.2.97. Applicant may file
objection, if any, before this date.
W.C.
AM

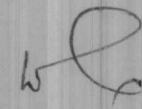
No objection filed

20.2.97

Hon'ble Mr. S. Das Gupta, AM
Hon'ble Mr. T.L. Verma, JM

Through Misc. application No. 7/97 the respondents have prayed that further six months time be given to them for completing the inquiry which was directed to be completed within eight weeks from the date of communication of judgement and order dated 22.8.96. A copy of this Misc. application was served on the learned counsel for the applicant but so far no objection has been filed by the applicant. After considering the submissions made in the Misc. application and taking note of the fact that the applicant being gazetted officer there are certain formalities to observe, we grant further four months time from the date of this order for completion of the inquiry. The M.A. stands disposed of accordingly.


JM


AM

Arvind.