

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

...

Original Application No. 646 of 2001.

this the 17th day of July 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)

D.P. Jauhari, S/o late M.L. Jauhari, Senior Clerk in the Office of Asstt. Electrical Engineer, Traction Rolling Distribution, Northern Railway, Mirzapur.

Applicant.

By Advocate : Sri R.K. Shukla.

Versus.

1. Union of India through its Divisional Railway Manager, Northern Railway, Allahabad Division, Allahabad.
2. Senior Divisional Electrical Engineer, Traction Rolling Distribution, Northern Railway, Allahabad.
3. Divisional Electrical Engineer, Traction Rolling Distribution, Northern Railway, Allahabad.

Respondents.

By Advocate : Km. Renu Singh for Sri A.K. Gaur.

O R D E R (ORAL)

RAFIQ UDDIN, MEMBER (J)

Having heard the learned counsel for the parties, we are satisfied that the present O.A. is mis-conceived and the same is liable to be dismissed.

2. Briefly stated the facts of the case are that the applicant who is holding the post of Senior Clerk in the office of Asstt. Electrical Engineer, Traction Rolling

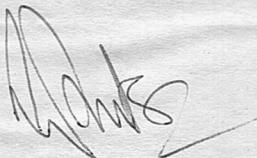
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Distribution, Northern Railway, Mirzapur was served with a chargesheet dated 10.1.2000 for alleged mis-conduct committed by him. The applicant submitted his reply to the aforesaid chargesheet on 20.1.2000 denying the charges levelled against him. The applicant was informed vide letter dated 26.2.2000 that Sri ^h Dhirendra Kumar, Section Engineer was appointed as Enquiry Officer (E.O. in short) and one F.D. Ram was nominated as Defence adviser. It is alleged that the Defence counsellor of the applicant demanded certain documents from the E.O., but the E.O. did not give the required documents. The applicant claims that he also met personally to the E.O., but he rudely refused to see him and also mis-behaved with him. Therefore, the applicant submitted an application dated 5.4.2000 requesting for change of the E.O., but the same was rejected by the respondent no.3 without recording any reason. The applicant claims that in the year 1998 when the E.O. was posted under the respondent no.3, demand made by the E.O. for issuing of travelling pass in favour of his son was refused by the applicant. Thus, the E.O. is biased against the applicant. It is also mentioned that the E.O. had submitted his ex-parte report without fixing any date for hearing and had also directed to the applicant vide his letter dated 29.3.2001 to submit his reply to the enquiry report. By means of this O.A, the applicant seeks quashing of the order dated 11.7.2000 whereby the request of the applicant for change of the E.O. was rejected and also directions to the respondents to hold further inquiry in respect of the chargesheet, in question.

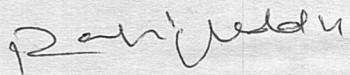
3. It is evident from the facts of the present case that the E.O. had already submitted ex-parte report after concluding the inquiry. It is also stated at the

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Bar by the learned counsel for the applicant that the applicant had also submitted his reply to the aforesaid inquiry report. The question of change of the E.O. is, thus, mis-conceived, because the inquiry proceedings are over. The applicant may challenge the enquiry proceedings when any final order is passed by the disciplinary authority after considering the reply of the applicant. Consequently, the O.A. is dismissed with no order as to costs.



MEMBER (A)



MEMBER (J)

GIRISH/-