

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.
...

original Application No. 678 of 2004.

this the 16th day of July'2004.

HON'BLE MR. JUSTICE S.R. SINGH, V.C.
HON'BLE MR. D.R. TIWARI, MEMBER(A)

Chhavi Dutt Sharma, S/o late Ram Dutt Sharma, R/o House
No. 823/A Railway Colony, Jhansi, Central Area.

Applicant.

By Advocate : Sri B.N. Singh

Versus.

1. Union of India through Chairman Railway Board,
Rail Bhawan, New Delhi.
2. The General Manager, North Central Railway,
Headquarter, Allahabad.

Respondents.

By Advocate : Sri M.K. Sharma for Sri A.K. Gaur.

ORDER

BY JUSTICE S.R. SINGH, V.C.

Heard the learned counsel for the parties and
perused the O.A.

2. The instant O.A. seeks issuance of a direction to
the respondents to finalize the enquiry proceedings within
a reasonable time and exonerate the applicant keeping in
view the enquiry report dated 24.2.2003. Further relief
claimed is that the respondents be directed to restore
financial power, payment of withheld salary and grant him
promotion on the post of Junior Administrative Grade
(in short J.A.G.) ^{on} when the date when his juniors were
promoted with all consequential benefits.

Per

3. Having regard to the facts and circumstances of the case, we are of the view that this O.A. can be disposed of at admission stage itself without inviting Counter affidavit. It appears that the enquiry report was submitted way back on 24.2.2003. Though the applicant was exonerated by the Enquiry Officer, he submitted his reply on 5.1.2004 to the letter dated 16.12.2003. Sufficiently long time has elapsed and the disciplinary authority may, therefore, be called-upon to take appropriate decision in the matter in accordance with law within a period of two months from the date of receipt of copy of this order. We may observe ~~to add~~ that though the applicant has prayed for exoneration, we are of the view that it would not be apt and proper to give a direction ^{to be effected} at this stage as the ^{decision is to be taken} ~~same~~ has already been taken by the disciplinary authority.

4. Accordingly, the O.A. stands disposed of with a direction to the disciplinary authority to take a final decision in the matter of the applicant within a period of two months from the date of receipt of copy of this order. Parties are directed to bear their own costs.

D. S. D.
MEMBER (A)

Ag
VICE CHAIRMAN

GIRISH/-