

(RESERVED)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NO. 691/2004

(Dated this Tuesday the 11 day of April 2011)

CORAM:

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A
HON'BLE MR. SANJEEV KAUSHIK, MEMBER-J

Haushila Prasad Son of Tulsi Ram
R/o Village Nathupur, Post Office
Jafarabad, Dist. Jaunpur at
Present r/a Railway Crossing Gate Sheopur
Varanasi. Applicant
By Advocate: Shri B.K. Tripathi.

Versus

1. Union of India, through Divisional Superintending Engineer (II)
Northern Railway Lucknow.
2. Assistant Engineer B.S.B. Office Northern Railway Cantt.
Varanasi. Respondents

By Advocate: Shri Anil Dwivedi, Counsel for the Union of India.

O R D E R

PER: MR. SANJEEV KAUSHIK, MEMBER (J)

In the instant Original Application the applicant has impugned the order of suspension order dated 11.10.1990 and chargesheet dated 23.2.1998.

2. The applicant joined the respondent department as Gangman. Subsequently he was promoted to the post of Keyman and thereafter as Gangmate. He was transferred to C.P.C. Gangmate, Varanasi. It is averred that an F.I.R. has been lodged against the applicant by P.W.I under Sec. 504/506 of Indian Penal Code read with 120 of Railway Act at G.R.P Station

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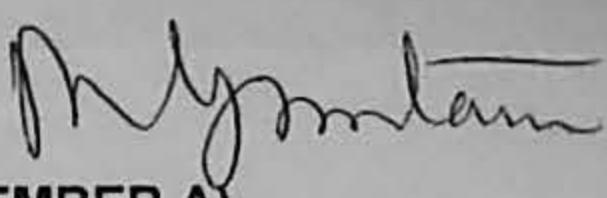
Cantt. (Annexure A.II). On 30th October, 1990 in place of the applicant one Shri Sangram was allowed to join. Thereafter the applicant moved with this representation on 31.10.1990, 19th November, 1990 and lastly on 31.July, 1991 whereby requesting the department to allow him to join duty. He stated to have filed Original Application No. 345/91 before this Tribunal for seeking quashing of suspension as well as his transfer order. During the pendency of the above stated Original Application he was chargesheeted on 29.10.1990 Annexure A.II. Vide order dated 12.2.1993 his original application has also been dismissed. Against which the applicant has also filed Review Application i.e. Review Application No. 122/1/1993 which too was also dismissed on 6th March, 2002. It is further submitted that the applicant was issued another chargesheet for absconding from duty issued Annexure A.17. He was placed under suspension which was subsequently revoked on 29th October, 1990. On 4.9.1998, Shri G. S. Upadhyay was appointed as Inquiry Officer who submitted as report on 19.8.2000 whereby indicating that the applicant is not cooperating in the enquiry proceedings and did not attend on a single date and therefore ex parte report was submitted. On the basis of the enquiry report the order of removal was passed on 18.8.2002 which was displayed on the notice board where the applicant was working and was also notified on the residential address of the applicant. In the instant Original Application though the order of removal dated 18.8.2000 has not been challenged by the applicant therefore, he ^{has} filed another O.A. i.e. O.A. No.278/2006 in which impugned the order of removal. ^{been} is unimpugned.

3. Therefore in view of the above stated facts that the order of removal has been passed against him which he has already impugned in the subsequent original application therefore, the instant O.A. has ^{been} rendered infructuous and accordingly dismissed without expressing any

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opinion on merits and the same will not be prejudicial to the right of the applicant in the subsequent Original Application


(MEMBER (J))
(MEMBER A)

Sj*.