

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 17th day of August, 2004.

Original Application No. 854 of 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Hon'ble Mr. S.C. Chauhan, Member-A.

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

.....Applicant

Counsel for the applicant :- Sri B.N. Singh  
Sri R.S. Yadav

V E R S U S

1. Union of India through the Chairman,  
Railway Board, Rail Bhawan, New Delhi.

2. The General Manager, North Central Railway,  
Head Quarter, Allahabad.

.....Respondents

Counsel for the respondents :- Sri A.K. Gaur

O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.

Impugned herein is the covering letter dated 22.07.2004 alongwith dis-agreement memo dated 15.07.2004 furnished to the applicant. It appears that the applicant was subjected to disciplinary proceeding in which the Enquiry Officer submitted his supplementary report dated 24.02.2003 which was in favour of the applicant. Copy of the enquiry report was earlier furnished to the applicant without any dis-agreement note. The applicant filed O.A No. 678/04 which was disposed of vide order dated 16.07.2004 with direction to the disciplinary authority to take a final decision in accordance with law. It

*(Signature)*

is submitted by the learned counsel that the dis-agreement note dated 15.07.2004 is ante dated and has been issued with a view to circumvent the order passed by the Tribunal directing disciplinary authority to take final decision in the matter. For the respondents, it has been submitted that the O.A is premature in that the applicant has a remedy to approach the disciplinary authority in response to the impugned letter dated 22.07.2004.

2. Having heard counsel for the parties and upon regard to the fact that the applicant has a remedy to file his representation in response to the dis-agreement note, we are of the view that it would not be apt and proper to pre-empt the decision of the disciplinary authority at this stage. The O.A is accordingly disposed of without entering into the merits of the rival contentions leaving all the issues open for decision by the disciplinary authority who has been directed to take the disciplinary proceeding to its logical end within stipulated period as per in the earlier order. It goes without saying that the objection that may be filed by the applicant in response to the letter dated 22.07.2004 and the dis-agreement note dated 15.07.2004 shall be considered by the disciplinary authority while taking final decision in the matter.

3. There will be no order as to costs.

*S.R.*  
Member -A.

*PG*  
Vice-Chairman.

/Anand/