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(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ALLAHABAD this the 30th day of May, 2006.

HON'BLE MR. JUSTICE KHEM KARAN, V.C.
HON'BLE MR. A.K. SINGH, MEMBER-A

Original Application No. 1395 OF 2005

Suresh Prasad Sinha, S/o late T.R. Singh, Presently
working as Chief Parcel Supervisor, North Central
Railway, Kanpur Central, Kanpur.

.....Applicant.

By Advocate : Sri R. Trivedi and Sri P.K. Kashyap

VE R S U S

1. Union of India through General Manager, North Central Railway, Allahabad.
2. The Divisional Railway Manager, North Central Railway, Allahabad.
3. Additional Divisional Railway Manager, North Central Railway, Allahabad.
4. Deputy Chief Traffic Manager, North Central Railway, Kanpur Central, Kanpur.
5. Sri Arvind Kashyap, Chief Booking Supervisor, N.C.R., Kanpur Central, Kanpur.
6. Sri B.K. Singh, Chief Parcel Office Supervisor, N.C.R., Kanpur Central, Kanpur.

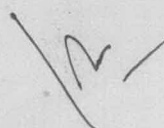
By Advocate: None

.....Respondents

ORDER

BY JUSTICE KHEM KARAN, V.C.

Heard S/Sri P.K. Kashyap and R. Trivedi,
learned counsel for the applicant on this O.A. and
also perused the contents of the application and the
papers annexed thereto.



2. The brief facts giving rise to this O.A. are that the applicant was subjected to formal disciplinary proceedings, for minor penalty and as a result of those proceedings, was punished with withholding of two increments, against which he preferred an appeal and the appellate authority passed the impugned order dated 29.12.2004, setting aside the proceedings, so undertaken as well as the order of punishment, and directed for initiating the proceedings for imposition of major penalty. The applicant is challenging this appellate order on the grounds inter alia that before doing so, the appellate authority ought to have heard him and that the order is not justified in the facts and circumstances of the case. It has also been said that the applicant has given several representations to the disciplinary authority and other higher authorities for changing the Enquiry Officer, on the grounds that he is highly biased for the reasons mentioned in the representation. It is complained that nothing has been done on those representations.

3. During the course of their submissions S/Sri Kashyap and Trivedi have stated that they would be satisfied if the disciplinary authority is directed to pass suitable orders on the representation of the applicant dated 3.11.2005 (Annexure-13 to the O.A.). They say that their client is scared of the disciplinary proceedings, but since the Enquiry

9.5.2006

S.A-3 Supple affidavit

not 9

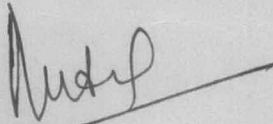
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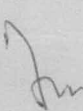
Officer is ~~pre-occupied~~ ^{possessed}, so they want that he should be changed. Without expressing any opinion as regards the correctness or otherwise of the allegations against the Enquiry Officer, we dispose of this O.A. at admission stage itself, with the direction to the disciplinary authority namely respondent no.4 to pass suitable orders on the representation dated ~~3.11.2005~~ ^{9.5.2006} (Annexure-~~B~~ ^{S.A.3} to the ~~O.A.~~ ^{Supple affidavit} of the applicant within a period of 15 days from the date a certified copy of this order together a copy of the representation is produced before him. Till the orders on the representation are so passed by the respondent no.4, the Enquiry Officer will not take any steps in the Enquiry Proceedings. No order as to costs.


MEMBER-A

VICE-CHAIRMAN

GIRISH/-

Corrected vide
order dated 2.6.06


2.6.05
Corrected
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