

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad, this the 21th day of September, 2021

M.A. No.1236 of 2018
in
Original Application No. 330/00579/2018

Hon'ble Mr. Tarun Shridhar, Member (Administrative)
Hon'ble Ms. Pratima K Gupta, Member (Judicial)

1. Narendra Kumar Yadav, aged about 40 years, S/o Shri Ram Swaroop Yadav, R/o B-30, Din Dayal Nagar Jhansi, Presently working as Loco Pilot Jhansi Division, NCR Jhansi.
2. Sandeep Kumar, aged about 35 years, S/o Shri Mange Ram, R/o Village – Chondhari, Post Jhabrera, District Saharanpur. Presently working as Loco Pilot Jhansi Division, NCR Jhansi.
3. Ram Niwas, aged about 32 years, S/o Late Madhur Singh, R/o Village – Sohalla, Post – Pratappura, District Agra. Presently working as Loco Pilot Jhansi Division, NCR Jhansi.
4. Gajendra Singh, aged about 36 years, S/o Shri J.P. Kushwaha, R/o 140 (Kustyana) Inside Sainyer Gate, Jhansi. Presently working as Loco Pilot Jhansi Division, NCR Jhansi.
5. Kashif Abbas Zaidi @ Kaisif, aged about 40 years, S/o Shri Aziz Ul Abbas Zaidi, R/o House No.62, Mohalla Chaudhiri, Town – Saithal, Tehsil – Nawabganj, District – Bareilly. Presently working as Loco Pilot Jhansi Division, NCR Jhansi.

...Applicants

By Advocate : Shri Anand Tewari
Shri A. Srivastava
Shri Yash Padia

V E R S U S

1. Union of India through General Manger, North Central Railway, Allahabad.
2. Divisional Railway Manager, Jhansi Division, North Central Railway, Jhansi.
3. Senior Divisional Electrical Engineer (Operations) Jhansi Division, North Central Railway, Jhansi.

...Respondents

By Advocate : Ms. Shruti Malviya

O R D E R

By Hon'ble Ms. Pratima K Gupta, Member (Judicial) :

Shri Anand Tiwari, learned counsel for the applicants and Ms. Shruti Malviya, learned counsel for the respondents are present.

2. MA No.1236 of 2018 has been filed by the applicants for condonation of delay in filing the OA No.579 of 2018.
3. The applicants through this OA have approached this Tribunal against the charge sheet dated 15.01.2013.
4. In the OA, it has also been stated that the parallel proceedings are pending before the CBI Court with respect to the same charges. Accordingly, he prays that this OA may be heard on merits.
5. At this stage, the application for condonation of delay is taken up for consideration. There is 08 years of delay in filing the Original Application. No reasonable convincing ground has come forward in the MA for condonation of delay.
6. Learned counsel for the respondents vehemently opposed this delay condonation application saying that it is a belated stage and cannot be allowed. She further states that this is a parallel proceedings matter and there is no bar for conducting the parallel inquiry. According to the respondents, the Hon'ble Supreme Court in the case of **Cpt. M. Paul Anthony Vs. Bharat Gold Mine Limited and others, SBI Vs. Neelam Nag (2016) 9 SCC 491, State of Rajasthan Vs. B.K. Meena (1996) 6 SCC 417** held that the departmental proceeding and a proceedings in a criminal case on same set of facts can conducted simultaneously.
7. In view of the above, without expressing any opinion on the merits of the case, the delay condonation application No.1236 of 2018 is dismissed. Accordingly, the OA is disposed off without expressing any opinion on the merits of the case. Liberty is granted to the applicants to approach this Tribunal as and when departmental inquiry is concluded, if he is so aggrieved the final order passed in the departmental inquiry. No order as to costs.
8. All the MAs pending in this OA are disposed of as having become infructuous.

(Pratima K Gupta)
Member(Judicial)

(Tarun Shridhar)
Member(Administrative)

RKM/