

**Central Administrative Tribunal
Principal Bench, New Delhi**



OA No.699/2021

This the 30th day of March, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Shri Raghubir Chand (age about 59 years)Gr. 'C',
S/o Late Sh. Bihari Lal,
R/o H.No.180, Village Dalla-Balim,
P.O. Parmanand,
Tehsil & District-Pathankot,
Punjab-143534.

...Applicant

(By Advocate : Shri R.K. Shukla)

Versus

Union of India through

1. The General Manager,
Northern Railway HQ,
Baroda House,
New Delhi-110001.
2. The Divisional Railway Manager,
Northern Railway,
Estate Entry Road, Pahar Ganj,
New Delhi.
3. The Divisional Finance Manager,
Northern Railway,
Estate Entry Road, Pahar Ganj,
New Delhi.
4. The Divisional Engineer,
Northern Railway, Delhi Division,
Pahar Ganj, New Delhi.
5. Sh. Sham Chand, ADEN,
Northern Railway,
Delhi Division, Distt. Jind Junction,
Haryana.

... Respondents

(By Advocate : Shri Krishna Kant Sharma)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :-**

The applicant is working as Senior Section Engineer in the Northern Railway. A Show cause notice dated 01.07.2014 was issued to him requiring him to explain certain discrepancies noticed in the stocks. That was challenged in OA No. 2791/2017 on the ground that the notice did not mention any particulars. The OA was allowed and the notice was set aside. The respondents were directed to issue a fresh notice giving all the details of the alleged shortage/outstanding stock sheets within four weeks. Time was also granted to the applicant to submit his explanation. The order of stay of recovery was also passed till then.

2. The Disciplinary Authority (DA) of the applicant issued a charge memo dated 11.10.2020. The applicant submitted his explanation. Not satisfied with that, the DA appointed one Shri Shyam Chander, Assistant Division Engineer, as Inquiry Officer (IO), the 5th respondent herein. This OA is filed challenging the order dated 11.10.2020.

3. The applicant contends that the 5th respondents took part in the preliminary enquiry conducted against him,



and has also recorded a finding. He contends that entrustment of the inquiry to such a person would seriously prejudice the proceedings.

4. We heard Shri R. K. Shukla, learned counsel for the applicant and Shri Krishan Kant Sharma, learned counsel for the respondents.

5. The applicant was able to stall the proceedings initiated against him into serious allegations, on one pretext or the other. In his attempt to block the inquiry, he is changing the goal posts. At one point of time, he stated that the allegations are not clear and particulars are not furnished. When regular inquiry is ordered, he takes exception to the appointment of 5th respondent as IO. What is more surprising, if not disturbing is the language employed by the applicant in his representation dated 14.12.2020. The tone and tenor thereof cannot be expected from an officer who is facing an inquiry. In case, he has any reservation for the 5th respondent to be appointed as IO, he should have simply stated the reasons and left it to the respondents. However, he posed several questions to the administration as though he is in the control of the entire establishment. Even now the applicant can make a representation, if he feels aggrieved.



6. Accordingly, we dismiss the OA, leaving it open to the applicant to file a representation expressing his reservations or objections about the appointment of the 5th respondent as IO in a proper form. As and when such representation is made in a proper and decent language, the same shall be considered and disposed of within a period of four weeks. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

pj/rk/mbt/ns