

**CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, RANCHI**

O.A./051/00095/2021

Date : 10th February, 2021

CORAM

**HON'BLE MR. M.C. VERMA, MEMBER (Judl.)
HON'BLE MR. SUNIL KUMAR SINHA, MEMBER(Admn.)**

Manoj Kumar Hota, ages about 59 years, S/o Late Siddheshwar Hota, R/O chkradhpur, P.O. & P.S. chakradhpur, District West Singhbhum, Jharkhand.



.....Applicant

By Advocate: Shri Apurwa Pathak

Versus

1. The East Coast Railway, through its Director, having its Office at East Coast Railway Headquarters, Chandrasekharpur, Bhubaneshwar-751023.
2. ADRM/SBP, having its Office at Sambalpur, P.O. & P.S. Budharaja, District Sambalpur, Bhubaneshwar – 751023.
3. Sr.Divisional Operations Manager/Sambalpur, having its Office at Sambalpur, P.O. & P.S. Budharaja, District Sambalpur, Bhubaneshwar – 751023.
4. Inquiry Officer cum-Divisional Operation Manager (G)/Sambalpur, having its Office at Sambalpur, P.O. & P.S. Budharaja, District Sambalpur, Bhubaneshwar – 751023.

.....Respondents

By Advocate : Shri Prabhat Kumar.

O R D E R (ORAL)
Per Mr. M.C. Verma, Member (Judl.)

1. The matter is at notice stage hearing. Advance copy of the O.A. has been served upon the learned counsel for respondents and Shri Prabhat Kumar has appeared for respondents.
2. Heard. Learned counsel for applicant while pressing the O.A. submits that arbitrarily Order of removal from service of applicant has been passed. He submits that the inquiry is tainted one the charge memorandum was not supplied to the applicant and that on demand charge memorandum from Inquiry Officer also, the memo and other papers were not supplied to him. He further submits that

Disciplinary Authority did pass order of punishment on 22.01.2018 but because of some personal exigencies, applicant could not pursue the matter and file the appeal earlier but he has preferred departmental appeal on 03.11.2020. That no notice even has been issued in the appeal. Learned counsel for applicant requests to dispose of the O.A. with direction to the Appellate Authority to dispose of the appeal of the applicant within a time frame.



3. Learned counsel Shri Prabhat Kumar vehemently opposes the maintainability of the O.A. and urged that appeal was preferred after about two years and 10 months of passing of the Order by the Disciplinary Authority and any direction given by this Tribunal would tantamount of condonation of delay. He also submits that O.A. otherwise is also not maintainable as six months period has not passed. He requested to dismiss the O.A.

4. The O.A. suffers from material infirmity, mandatory parties, like Union of India etc. has not been arrayed as respondent and Cause title suffers from other infirmity also. Having considered the entirety and overall circumstances of the matter, we do not want to interfere at this stage, however, we are having hope that no unnecessary delay would be there in disposal of the appeal of the applicant. Taking note of entirety, O.A. is dismissed with no order as to costs and before parting, we also want to say that we have not expressed any view on the merits of the case.

Sd/-
 (Sunil Kr. Sinha)
 Member (A)
 sks/-

Sd/-
 (M.C. Verma)
 Member (J)