

(A2) (7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

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REGISTRATION O.A.NO. 783/1986

Ujjawal Singh ... ..Applicant

Versus

Union of India & Others ...Respondents

Hon'ble Mr. D.K.Agrawal, J.M.)

Hon'ble Mr. A.B.Gorthi, A.M.

(By Hon'ble Mr. A.B.Gorthi, A.M.)

Sri Ujjawal Singh, /applicant aggrieved & he is by the order suspending him from duty and the award of minor punishment of withholding of increment for 2 years, filed this application under section 19 of the Administrative Tribunals Act 1985 with a prayer that the said suspension order and the punishment be quashed.

2. The applicant was Driver Grade 'C' in the office of Senior Electrical Foreman Loco Northern Railway, Allahabad. It was alleged that on 29.5.1982 when he was the Driver of Loco Engine No. 20456 U.A.M.-4, he negligently over shoot signal No. 117/329 of Juhi East when it was in 'On' position and bursted point no. 359. He was placed under suspension from 29.5.1982 vide suspension order (Annexure -I) dated 31.5.1982. A charge sheet was served upon him on 30.6.1982 and an enquiry was commenced for the purpose of imposition of a major penalty. The enquiry, however, did not progress smoothly. The Disciplinary Authority then decided to

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award a minor punishment and close the case. Accordingly, the applicant, vide punishment order (Annexure-5) dated 14.2.1985, was awarded the penalty of withholding of increment for a period of two years.

3. Learned Counsel for the applicant contended that the enquiry was not properly <sup>1</sup> and fairly conducted, in that, the request of the accused for the supply of documents relied upon by the prosecution was not <sup>to be</sup> acceded. The enquiry was ordered by an authority who was subordinate to the disciplinary authority. It was further alleged that the enquiry officer did not conduct the enquiry fairly.

4. <sup>2</sup> The perusal of the counter affidavit will show that the enquiry did not suffer from any such irregularity <sup>2</sup> and illegality as <sup>2</sup> would warrant or justify <sup>1</sup> intervention. However, the contention of Learned counsel for the applicant, Sri Rakesh Verma, that in view of the fact that the disciplinary proceedings <sup>1</sup> culminated in a minor punishment only, there was no justification for keeping the applicant under suspension for a long period, stands ~~an~~ <sup>the</sup> irrefuted. We are convinced that under the circumstances of <sup>the</sup> case and keeping in view the nature of the charge in particular, the order suspending the applicant w.e.f. 29.5.1982 cannot be <sup>sustained</sup> ~~suspended~~. <sup>2</sup> We, therefore, quash the suspension order (Annexure-I) and direct the respondents to treat the applicant as on duty during the entire period of his suspension commencing from 29.5.1982 and give him all the consequential reliefs. The respondents shall comply with this order within 6 months from the date of communication of this judgment. Parties to bear their own costs.

Member(A)

Dated: 10-7-1991

(ss)

Member(B)

10.7.91