

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD

T.A. NO. 1291/87

P.N. Pandey ... Applicant  
Vs.  
Union of India & others ... Respondents

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon. Mr. K. Qayya, A.M.

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

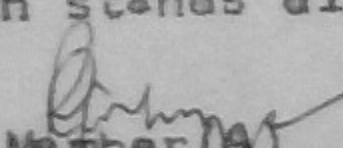
1. The applicant's heir and legal representatives have filed the Writ Petition before the Hon. High Court. This Writ Petition was admitted and by an operation of law, it has been transferred to this Tribunal for adjudication.
2. The applicant entered in the services of N.E. Railway in the year 1955 as Khalasi and after promotion as Battery Man, he was posted at Chhapra and according to him he had proceeded on Casual leave from 5.1.1972 as the condition of his wife was very serious, but could not turn up on duty with the result that he had to sit near his wife and therefore he could not go outside apart from sending a telegram that he can not attend the office. After expiry of leave, according to the applicant, he reported for duty on 28.12.1976 after availing leave for more than 4 years. Therefore a Charge-sheet was issued to him on 20.3.1978.
3. It was, thereafter, an inquiry officer was appointed. The applicant was required to appear before the Inquiry Officer on a fixed date, at Varanasi on 7.2.80. The applicant expressed his inability to appear on the same date and requested that some other date may be fixed. The Inquiry Officer fixed




another date as on 27.2.80. On 27.2.80 he was examined. Thereafter the Inquiry was fixed on another date, i.e. on 7.3.80. However, the Inquiry could not take place on 7.3.80 and adjourned. Thereafter, again next date was fixed as 26.3.80. The Inquiry Officer informed the petitioner that inquiry can not be held on 26.3.80 and therefore 11.4.80 was fixed for inquiry. On 11.4.80, the Inquiry Officer asked only one question and the petitioner submitted his reply. The Inquiry Officer fixed another date as 27.5.80 for inquiry. Certain arguments were submitted on behalf of the applicant as desired but no inquiry took place thereafter and ultimately the order of dismissal was placed.

3. We have heard the Learned Counsel for the parties. The applicant contended that the inquiry is vitiated and no reasonable opportunity was given to the applicant to defend himself and he was ~~xxxxxxx~~ disabled from filing any objection. It was also contended that the charges levelled against the applicant were not proved. The applicant when alive, requested that he was facing hard-ship and so he should be allowed to join his duty, but no reply to him was given. But against the punishment order, he did not file any appeal and ultimately he died. His heir and legal representatives can even file an appeal within 3 weeks from the date of receipt of this judgement.

4. The appeal should be filed within this period as the question of limitation will not apply. The appeal shall be decided by a separate order touching the pleas raised by the applicant. With these observations, this application stands disposed of finally.

  
Member (A)

  
Vice Chairman

Allahabad  
dt. 11.1.93

/smc/