

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

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(S)

ORIGINAL APPLICATION NO.71 of 1987

Sukhram

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Applicant

Versus

Union of India & others

Respondents.

Hon'ble D.S.Misra- AM
Hon'ble G.S.Sharma-JM

This petition under section 19 of the Administrative Tribunals Act no.XIII of 1985 has been filed by a retired Railway Driver with the allegations that in connection with some accident on 31.10.77, while serving as Driver of 84 DN. Varanasi of Northern Railway, he was served with a charge sheet and was also placed under suspension on account of his alleged negligence. He was also prosecuted under sections 279, 437 and 304AI.P.C. in connection with the said accident. On his trial, he was acquitted by the Metropolitan Magistrate, Delhi on 17.3.1986. After his acquittal, he filed the present petition on 22.1.1987 for quashing of the charges levelled against him in the departmental charge sheet as well as for payment of losses and damages, he had to suffer on account of his ~~suspension~~ ^{prosecution} which ended in acquittal. The applicant has not appeared before us ^{today}, the date of ~~appearance~~ ^{learning}. Shri Prabodh Gaur, learned counsel for the respondents has stated before us that though the applicant was served with a charge sheet, he could not be punished on its basis due to his retirement.

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on reaching the age of superannuation on 31.3.86 and he was not awarded any punishment. He has further stated that the applicant having retired in 1986, this claim is highly belated.

2. We have carefully examined the matter and are of the view that the petition is of frivolous nature. The applicant could not be punished in the disciplinary enquiry on account of his retirement. ~~when the disciplinary enquiry did not proceed against him.~~ The question of his exoneration or setting aside the ~~therefore, &~~ charges levelled against him will not arise. Regarding the damages and loss suffered by the applicant, on account of his criminal prosecution, this Tribunal cannot provide any remedy to him and the remedy may be ~~available &~~ else where. We are further of the view that the petition is highly belated and is not maintainable in view of section 21 of the Administrative Tribunals Act, 1985. The petition is accordingly dismissed.

Shahid
MEMBER (J)

Shahid
MEMBER (A)

Dt/15.11.1988/
Shahid.