

A3
1

3

Court No.1

CENTRAL ADMINISTRATIVE TRIBUNAL , ALLAHABAD

Registration O.A.No.1065 of 1988

K.R. Tokse Applicant

Versus

C.B.I. & Two Others Opposite Parties.

Hon. Justice K.Nath, V.C.

Hon. D.S. Misra, A.M.

(By Hon. Justice K.Nath, V.C.)

We have heard the learned counsel for the applicant. This application under Section 19 of the Administrative Tribunal Act XIII of 1985 is for a declaration that a chargesheet dated 10.12.1987, Annexure-6 against the applicant for disciplinary proceedings is illegal, ultravires and mala fide.

2. We have heard the learned counsel for the applicant. The chargesheet dated 10.12.87 contained in Annexure-6 mentions that during the year 1983 the applicant failed to maintain absolute integrity and devotion to duty inasmuch as he purchased 31 acres of land worth about Rs.18,600/- in the joint name of his wife and the wife of his colleague Shri A.K.Datta of which a sum of Rs. 9300/- was paid by the applicant himself. It is mentioned that the applicant has failed to take permission or give intimation to the Department about the purchase of the aforesaid land and thereby he contravened the provisions of Rule 3 of the Railway Services (Conduct) Rules, 1966. The learned counsel

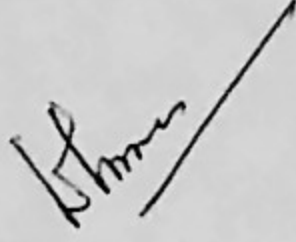
JA


A2
2

(4)

for the applicant says that this enquiry is the result of his wife's ^{hostility} ~~hospitality~~ towards him; that the applicant has nothing to do with the transaction, and that all the allegations are false. He says that the Inquiry Officer is not going to consider the applicant's representations in this respect.

3. ^{to show} While inviting the applicant ^{as to what reply} he has given to the charges, he has referred to Annexure-A7 and Annexure-A8, his letters dated 16.5.1988 and 20.6.1988. In the former he says that the information, which is the basis of the chargesheet, has not been furnished to him and, therefore, he was handicapped in replying the chargesheet. In the latter, he says that he was making efforts from his wife about this transaction but she was not in a position to give any information. Since the enquiry relates to the question of facts in such case, this Tribunal has ^{nothing to} ~~nothing~~ to go ^{into them} ~~at~~ this stage. There is no substance in ~~the merits~~ ^{the merits} ~~of the~~ petition and the petition is accordingly dismissed in limine.


Member (A)


Vice Chairman

Dated the 10th May, 1989.

RKM