

(A)

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

C.A. No. 884 of 1990

M.K. Saxena..... Appellant

versus

Union of India and others. Respondents

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

Hon'ble Mr. K. Obayya, A.M.

(By Mr. D.K. Agrawal, J.M.)

This claim petition is directed against the disciplinary proceedings initiated by the department against the petitioner under Railway Servants Disciplinary and Appeal Rules 1968. The grievance expressed by the petitioner was to the effect that he was not allowed to nominate one Sri I.P. Gupta as his defence helper. An stay order was also granted to the petitioner on 26.11.90 staying the disciplinary proceedings. The matter was taken up today for disposal of interim matter. The pleadings were complete, therefore, the learned counsel for the parties have been heard at length. In view of the Railway Board's letter No. E(D & A)790 RG 6-27 dated 23.5.90 a defence helper can be chosen from amongst the persons who have retired from Railway service from the same Railway Administration on which the delinquent railway servant is working. This was so ordered by the Railway Board after consideration of the previous orders on the subject. Consequently the nomination of Sri I.P. Gupta by the delinquent official was not in order. The delinquent official may be allowed to nominate ^{another} defence helper in accordance with rules. The order of the enquiry officer refusing

DK Agrawal Contd.....2

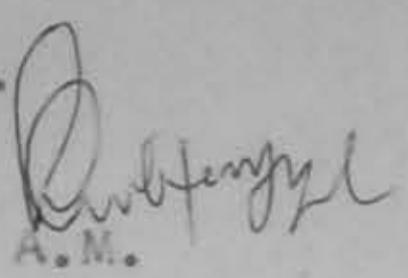
(AB/2)

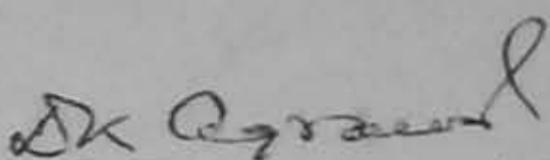
(G)

- 2 -

to appoint Sri I.P.Gupta as defence helper cannot be ~~resisted~~ resisted in view of the above said letter.

Consequently the interim order passed is liable to be vacated. On the vacation of the stay order the petition itself stands disposed of. In the result the petition is dismissed without any order as to costs.


A.M.


J.M. 30.1.92

Dated: 30.1.92

(AR)