

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 293 of 1992

Harpal Singh

.... Applicant

Versus

Union of India and Others

.... Respondents

COBAR:

Hon. Mr. Justice U.C. Srivastava, V.C

Hon. Mr. V.K. Seth, Member(A)

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

The applicant was a Branch Post master and he has approached this Tribunal against the second charge sheet which was issued to him in respect to the same charge. The applicant was put off from duty and a charge sheet was issued and thereafter the Enquiry officer was appointed and he concluded the enquiry. The applicant was also asked to give reply and he submitted his reply thereafter the proceedings were dropped.

2. The applicant filed an application before this Tribunal and the Tribunal directed/for deciding the representation of the applicant. The respondents have issued a fresh charge sheet. The contention on behalf of the applicant is that once the proceedings dropped in the same subject matter, no fresh proceeding can be taken.

3. According to the respondents the proceedings have to be dropped as the rule of which the violation has been levelled and charge sheet was misquoted and

and there was discrepancies that is why after dropping it they have taken the step and started the proceeding. The contention on behalf of the applicant is that incase the rule could have been misquoted, but the substance of the subject matter is the same and once the proceedings dropped in the same subject matter, no fresh proceedings can be taken which would mean that on merits they had no case. This is the plea of the applicant that incase of second ~~char~~ enquiry taken place he can agitate the matter before the disciplinary authority and thereafter even it goes against him either before the appellate authority also. But it is a case of second charge sheet, the respondents are directed to conclude the enquiry within a period of three months associating the applicant. Incase the respondents will not conclude the enquiry with full co-operation of the applicant, the applicant will get the right to approach this Tribunal for quashing the proceedings. The application stand disposed of finally in these terms with no order as to costs.

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Member(A)

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Vice Chairman

Dated: 27.4.1993

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