

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH,
ALLAHABAD.

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O.A.No.1001/92.

R.D. Agarwal. Applicant

Vs.

Union of India & Others Respondents.

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

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

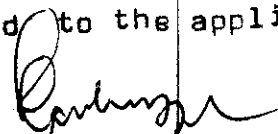
(By Hon. Mr. Justice U.C.Srivastava,V.C.)


The applicant has challenged the suspension order dated 27-5-92 and charge-sheet dated 24-6-92 issued against the applicant. The charges levelled against the applicant is that while working as ERC/Rampur during the year 1992, the applicant committed serious misconduct inasmuch as that on 23-5-92 at 9-30 hrs. he insulted Smt. Prem Lata Khare, Sr.TC/Rampur on duty in Reservation-cum-Head Ticket Collector Officer, Rampur, by throwing four Nirodh Paches towards her in presence of Shri Hari Shanker, Sri Satish Chendra Sharma, T.C., Smt. Afroz Jahan, Lady Water-supplier and Smt. Ram Dai, Waiting Room Bearer, out of which one struck Smt. Prem Lata Lata Khare, Sr.T.C. By this above act of omission and commission, Shri R.D.Agarwal, the applicant, has acted in a manner unbecoming of a railway servant and thereby contravened Rule 3(1)(iii) of the Railway Service Conduct Rules, 1966.

2. The applicant's plea is that the charges against him are absolutely false and this suspension order was passed with retrospective effect because of the fact that he has instituted several cases against the Railway

Administration. Whether the charges against the applicant are correct or not, that can be decided by the enquiry officer and not by the Tribunal as the Tribunal cannot substitute itself in place of the Enquiry Officer. Now the charges levelled against him, if proved, are of grave nature, which is to be decided by the disciplinary authorities. Therefore, it is within the jurisdiction of the disciplinary authorities to place the applicant under suspension. If in their wisdom, the disciplinary authorities found that it is a fit case for placing him under suspension, and thereafter proceed with enquiry proceedings, it is not a case for intervention by this Tribunal, merely because certain cases filed by the applicants are pending. So far as the Charge sheet is concerned, no interference can be made at this stage and in this connection reference can be made to the decision of the Supreme Court in the case of Union of India Vs. B.K. Gupta in Civil Suit No. 2729 decided on 30-7-92.

Accordingly we do not find any ground to interfere in this case. Accordingly this application is dismissed with the observation that the applicant shall submit a reply to the charge-sheet within a period of 4 weeks and thereafter the enquiry shall be concluded within a period of 3 months, may it be by taking day-to-day proceedings and the applicant shall fully co-operate with the enquiry. In spite of full co-operation by the applicant if enquiry is not concluded within this stipulated period, it will be open for the applicant to approach this Tribunal. Copy of this order may be issued to the applicant within one week.


Member (A)


Vice-Chairman.

Dated: 18th August, 1992, Allahabad.

(tgk)