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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH,
ALLAHABAD.

DATED : ALLAHABAD THIS THE 20TH DAY OF DEC. 1995.

QUORUM : HON'BLE MR. S. DAS GUPTA, MEMBER-A.
HON'BLE MR. T. L. VERMA, MEMBER-J

Original Application No. 1842 of 1993.
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H. S. Verma, aged about 60 years, s/o. Shri Patola, Resident of 59/8-A, Ajit Nagar, Khiriya Gate, Agra.....Petitioner.
(BY ADVOCATE SRI R. K. NIGAM)

Versus

1. Union of India, through Chairman, Railway Board, Rail Bhawan, New Delhi.
2. Joint Director (Establishment) D & A, Rly. Board, Rail Bhawan, New Delhi.
3. Director Finance (Accounts) Railway Board, New Delhi.
4. FA & CAO Central Railway, Bombay VT.
5. Workshop Accounts Officer, Central Railway, Workshop, Jhansi.
6. General Manager, (Vigilance), Railway Electrification, Allahabad.

.....Respondents.

O R D E R (Oral)
(By Hon. Mr. S. Das Gupta, Member-A)

Heard Sri Shailendra Srivastava appearing as proxy counsel for Sri R. K. Nigam for the applicant.

2. The applicant's grievance is that after his retirement, the respondents have initiated the disciplinary proceedings against him by obtaining a presidential order therefor, under Rule 9 of the Railway Servant (Discipline & Appeal) Rules, 1968.

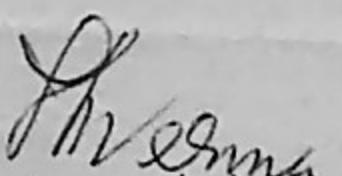
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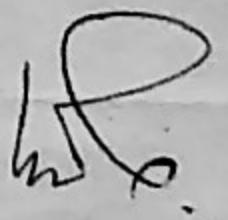
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The applicant now prays for quashing of the proceedings initiated against him.

2. It is clear from the averments that the action against him has been initiated in exercise of power conferred by para 2308 of Indian Railway Establishment Code (Volume-II). The provisions of this rule are analogous to those of Rule 9 of Railway Servant (Discipline & Appeal) Rules, 1968, in terms of which proceedings can be initiated even against a retired employee provided the same is initiated within the specified period. At this stage, the Inquiry Officer has been appointed and the applicant shall have an opportunity to defend himself before the Inquiry Officer and to prove that he is not guilty of the mis-conduct alleged. This is not a stage in which the Tribunal is expected to interfere as there is no apparent irregularity in the procedure adopted by the respondents. The application is therefore, pre-mature and is therefore, dismissed.

3. As the applicant is ^a retired person, we consider that it will be just and proper on the part of the respondents to complete the inquiry and finalise the proceedings initiated against the applicant within a period of six months.


Member-(J)


Member-(A)

Pandey/-