

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Allahabad this the 20th July, 2000.

Original Application No. 508 of 1993.

CORAM:

Hon'ble Mr. Justice R.R.K. Trivedi, Vice Chairman

Hon'ble Mr. S. Dayal, Member (A)

Bajinath Yadav S/O Shri Ghamu Yadav, at present
resident of permanent Resident of Maraucha Pipri,
Po. Sukul Bazar, District-Faizabad.

✓ *R.P. Yadav* Applicant
(C/A Shri ~~N.M. Lahiri~~)

Versus

1. Union of India, through General Manager,
N.E. Railway, Gorakhpur.
2. Divisional Railway Manager, N.E. Railway,
Varanasi Division.
3. Senior Divisional Operating superintendent,
N.E. Railway, Varanasi Sri U.K. Singh.
4. D.C.S. N.E. Railway, Varanasi

..... Respondents
(C/R Shri P. Mathur)

Alongwith

Original Application No. 264 of 1994.

Bajinath Yadav son of Shri Ghamu Yadav, posted
as Trolly-man, N.E. Railway, Varanasi, permanent
resident of village Maraucha Pipri, P.O. Sunul Bazar,
District-Faizabad.

..... Applicant
(C/A Shri R.P. Yadav)

[Signature]

....contd/

Versus

1. Union of India, through General Manager, N.E. Railway, Gorakhpur.
2. Senior Divisional Operating Superintendent/Senior D.O.M, N.E. Railway, Varanasi, Shri U.K. Singh.
3. A.O.M. (G) N.E. Railway, Varanasi.
4. Enquiry Officer, Shri M.N. Rai, Chief Commercial Inspector, N.E. Railway, Varanasi.

..... Respondents.

(C/R Shri P. Mathur)


ORDER

(By Hon'ble Mr. Justice R.R.K. Trivedi, Vice Chairman)

O.A . No. 508/93 and O.A. No. 264/94, both the aforesaid applications have been filed by the applicant Baijnath Yadav. The questions of facts and law involved are similar and both applications can be decided by a common order.

2. O.A. No. 508/93 has been filed for a direction to respondent to restore the applicant to duty with the continuity of service, declaring, putting the applicant 'off' from duty, illegal, void and unconstitutional. In O.A. 264/94, The applicant has prayed that the chargesheet no. Pa/vivid/Ilawajee Trollymen dated 20/04/1993 may be quashed. Learned counsel for the applicant submitted that the chargesheet has been served on applicant for alleged unauthorised absence from duty during period 25.05.91 to 26.03.93. It is also submitted that the proceedings are malafide and have been initiated in order to harass the applicant.

3. We have heard, Shri R.P. Yadav, learned counsel for the applicant and Shri Prasant Mathur, Learned counsel for the respondents. It is not disputed that the



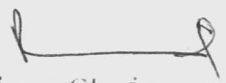
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enquiry on the basis of chargesheet dated 26/04/1993 has been concluded but the order has not been pronounced. In the facts and circumstances of the case, in our opinion justice shall be better served, if the disciplinary authority is asked to pass order concluding the enquiry at an early date. The reliefs claimed in the O.A. 508/93 in our opinion, will be covered by the order concluding the enquiry, as applicant was put off from duty on account of unauthorised absence.

4. For the reasons stated above both the cases are disposed of finally with the direction to Respondent No. 3 Senior Divisional Operating Superintendent N.E. Railway, Varanasi, to conclude the enquiry pending against the applicant since 1993 within a period of one month from the date of service of a certified copy of this order.

5. There will be no order as to costs.


Member (A)


Vice Chairman

/H.K./