

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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O.A. No. 1827 of 1994

Dated : 16.12.1994

Hon. Mr. S. Das Gupta, A.M.  
Hon. Mr. J.S. Dhaliwal, J.M.

Sri Arun Kumar Srivastava, aged about  
35 years son of Sri Nandan Prasad  
Srivastava, Mason Mistry, C/o Inspector  
of Works, Northern Railway Fatehpur ... Applicant.

( By Advocate Sri B.P. Srivastava )

VERSUS

1. Union of India, through the Secretary  
Ministry of Railway, New Delhi.
2. The Divisional Railway Manager,  
Northern Railway, Allahabad.
3. The Assistant Engineer, Northern Railway  
Fatehpur.
4. Inspector of Works, Northern Railway,  
Fatehpur.
5. Permanent Way Inspector,  
N.R. Fatehpur ... Respondents.

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O R D E R

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( By Hon. Mr. S. Das Gupta, Member(A) )

Heard Sri B.P. Srivastava, learned counsel  
for the applicant on admission.

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The only relief prayed for in this application is that a direction to the Respondent Nos. 3 & 4 to supply certified copies of documents requested for in his applications dated 27.8.1994 and 31.8.1994 ( Annexures A 7 & A 8) be issued. The applicant earlier filed an Original Application No. 221 of 1988 praying for a direction to the Respondents to promote him to the post of S.O.M. Gr. I with consequential benefits. This O.A. was decided by a Bench of this Tribunal vide its order dated 4.2.1994. It is stated that his application was allowed and the respondents were directed to fix the applicant in the pay scale of Rs. 1320-2040 with consequential benefits including the arrears of salary and seniority w.e.f. 13.5.1987. It is alleged that the order of the Tribunal was not implemented and the respondents deliberately disobeyed the order which led the applicant to file a Contempt Petition No. 122 of 1994. It is stated that ~~on~~ this contempt petition, notices were issued to the D.R.M. Allahabad and the matter is still pending decision.

2. The applicant has alleged that as a result of the filing of the contempt petition, the respondents are prejudiced against the applicant and this has led them to place the applicant under suspension and issue of a charge-sheet dated 25.8.1994. The applicant is stated

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to have filed a representation dated 27.8.1994 requesting that certain copies of relevant documents mentioned therein be supplied to him to enable him to give an appropriate reply to the charges levelled. This was followed by another representation dated 31.8.1994 in which it was stated that the copies of the documents requested for in his earlier application have not been supplied to him.

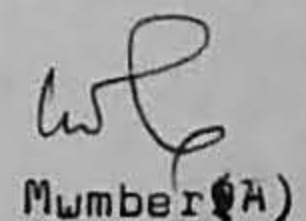
3. The applicant has been served with a charge-sheet and presumably he will be given an opportunity of being heard in departmental inquiry. This being an inter-locutory stage, we are not inclined to interfere in the matter nor is there any prayer for interference in the disciplinary proceedings. We are also not in a position to adjudicate as to whether the documents prayed for by the applicant are relevant and necessary for his defence. However, even under the <sup>extant</sup> ~~Extant~~ Rules, if a Government Servant under charge-sheet requests for supply of certain documents, it is incumbent on the disciplinary authority either to supply the same or to pass appropriate orders in case such documents are not to be supplied. In view of this, we feel no necessity to issue a notice and obtain a counter reply from the respondents before giving appropriate directions in this regard.

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4. In view of the foregoing, we direct the respondents to consider the aforesaid representations dated 27.8.1994 & 31.8.1994, stated to have been submitted by the applicant and dispose of the same in accordance with law within a period of 1 month from the date of communication of this order. We make it very clear that the disposal of the applicants/representations will not give the applicant any fresh cause of action and any grievance in this regard can be pleaded if and when any application is filed challenging the final order of the disciplinary authority.

5. The application is disposed of with the above directions at the admission stage itself.

  
Member (J)

  
Member (H)

(N.U.)