

OPEN COURT

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
ADDITIONAL BENCH AT ALLAHABAD

\* \* \*

Allahabad : Dated this 19th day of November, 1996

Original Application No.1015 of 1994

District : Bareilly

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.  
Hon'ble Mr. T.L. Verma, J.M.

Padam Singh Son of Shri Ram Lal  
R/o 164-B, N.E.Rly, Colony,  
Izzatnagar, Bareilly.

(By Sri N.A. Khan, Advocate)

. . . . . petitioner

Versus

1. Union of India through the Chairman,  
Railway Board, Rail Bhawan,  
Bhawan New Delhi.
2. The General Manager, N.E. Railway,  
Gorakhpur.

(By Sri A.V. Srivastava, Advocate)

. . . . . Respondents

ORDER (Oral)

By Hon'ble Mr. S. Das Gupta, A.M.

This application has been filed under Section 19 of the Administrative Tribunals Act, 1995, seeking a direction to the respondents to finalise the disciplinary proceedings pending against the applicant within a period of three months from the date of the order.

2. The admitted facts of the case are that the applicant was served with two charges memos dated 19-7-1993 and dated 30-11-1993. The proceedings in neither of the cases are complete although a long time has elapsed since the <sup>charges</sup> ~~charges~~ were served.

3. The respondents have filed a short counter reply indicating reasons for delay in finalization of the proceedings. We have seen the submissions therein. We



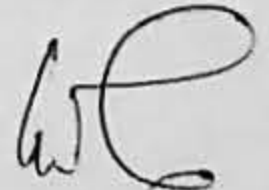
are not satisfied from the averments that the respondents have shown any sense of urgency in finalising the proceedings or that the entire delay in finalising the proceedings can be laid at the door of the applicant. By their own submissions, the respondents have taken more than five months even to appoint an Inquiry Officer and another five months in considering and rejecting the applicant's prayer for change of the Inquiry Officer. This would indicate that the respondents have not acted expeditiously in finalising the inquiry. Moreover, the counter reply was filed on 8-11-1995 and even thereafter more than a year has elapsed and it ~~appears~~ appears that the proceedings are yet to be brought to a conclusion. We cannot allow this state of affairs to continue, particularly as the applicant is due for retirement on 31-1-1997. The proceedings were initiated in 1993 and there was sufficient time for the respondents to complete the inquiry and take whatever action was warranted based on inquiry. In this situation, we direct the respondents to bring the proceedings to completion by 31-12-1996 by passing final order either exonerating the applicant or imposing penalty, if so warranted, based on the findings of the Inquiry Officer.

4. The application is disposed of accordingly. There shall, however, be no orders as to cost.

5. A copy of this order be given to Sri AV Srivastava, learned counsel for the respondents by the office within two days.



Member (J)



Member (A)

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order sheet

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A. misc. appn. no. 3/97

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GA 1015/94

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Hon'ble Dr. R.K. Saxena, JM  
Hon'ble Mr. S. Dayal, AM

Sh. P. Mathur counsel for the respondents in the original case and counsel for the applicant in M.A. No. 3/97 is present. None present for the applicant in the original case. Sh. Mathur had sent a copy of the Misc. application 3/97 at the address of the applicant of O.A. but not to the counsel for the applicant. He is directed to serve the copy of the Misc. application 3/97 on Sh. N.A. Khan whose address is given in Vakalatnama within a week. Let the matter be listed for disposal of Misc. application ~~XXX~~ on 17.2.97.

AM

JM

Arvind.

17/2/97 Hon. Dr. R.K. Saxena, JM,  
Hon. Mr. D.S. Bawela, AM,

None present for the applicant while Sh. P. Mathur who is the counsel for the applicant and who has moved the M.A. 03/97 is present. He is directed that the copy of M.A. for extension of period for compliance be sent to the applicant at O.A. directly by the registered post. Fix on 09/4/97 for order/direction.

AM

JM

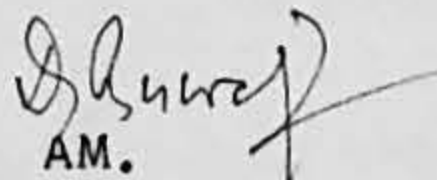
OR  
Misc - 1179/97 has been filed by Sh. P. Mathur Adv. on 18.3.97 is submitted for orders on 09.4.97.

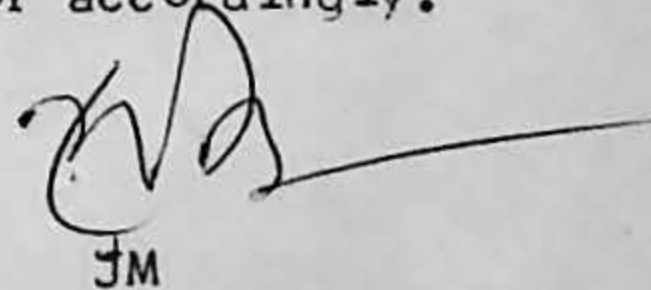
14.4.97.



9.4.1997 Hon. Dr. R. K. Saxena, JM  
Hon. Mr. D. S. Baweja, AM

None appears for the applicant in O.A.No.1015/94 but Sri Prashant Mathur counsel for the respondents in the O.A. and applicants in MA.No.1179/97 is present. The respondents had earlier moved misc. application on 1.1.1995 with the prayer that the period for compliance of the directions given in the judgment of O.A. dated 19.11.1996 be extended. Since the counsel for the applicant in O.A. was served with a copy of application by registered post <sup>he</sup> failed to appear, the direction was given that another copy of the application be sent to the applicant of the O.A. by registered post. Accordingly copy was sent and the ~~appan~~ information of serving the copy is given through this Misc. Application No.1179/97. It is also pointed out by Sri Prashant Mathur that direction for compliance was given and the period of 31.12.1996 was fixed. Since the compliance was done on 2 stages, namely on 9.1.1997 and 17.1.1997, some delay was caused for which exemption is sought. We inquired of Sri Mathur if any contempt proceedings are going on, <sup>he</sup> denied. In view of this, the delay in compliance of the order is condoned, and the period of compliance shall be deemed to have been extended till 17.1.1997. The Misc. Application stands disposed of accordingly.

  
AM.

  
JM

(Pandey)