

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

O.A. No. 1181 of 1994

Raghava Saran Applicant.

Versus

Union of India
and others Respondents.

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Hon. Mr. S. Das Gupta, Member(A)
Hon. Mr. T.L. Verma, Member(J)

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

Heard Sri D.P. Singh, learned counsel for
the applicant on admission.

The applicant in this case was working as
Khalasi when he was charge-sheeted for submission
of false employment certificate. An enquiry was held
but it was found that the charges were not established
against him. Despite this, the disciplinary authority
disagreed with the findings of the enquiry officer
and removed him from service. The appellate authority
confirmed the order of the disciplinary authority.

2. The applicant filed O.A. challenging the
order of penalty and the appellate order in O.A.787 of
1991. It was decided by this Bench of the Tribunal
vide its judgment and order dated 2.11.1992 by which
the impugned orders were quashed, but the respondents
were given liberty to proceed with the enquiry
associated with the applicant after giving him notice
assigning reasons therein for the dis-agreement with

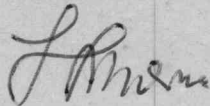
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the findings of the enquiry officer. Thereafter, the respondents are stated to have issued a notice dated 18.7.1994 indicating the reasons for disagreement and also proposing ^{his} ~~the~~ removal from service. It is this notice, which has been challenged by the applicant in the present O.A. in which the relief prayed for is that this Tribunal may quash the order dated 18.2.1994 and regularise the applicant on the post of Khalasi with back wages. The impugned notice has been issued in accordance with the directions given by this Tribunal in the judgment and order dated 2.11.1992. The submissions of the learned counsel is that the direction given in the judgment and order dated 2.11.1992 giving liberty to the respondents to proceed against the applicant should have been complied with within a reasonable time instead of waiting for one and half year. While, this may or may not be a valid ground for impugning any final order of penalty passed against the applicant, ~~We~~ are firmly of the view that at this stage, the present application challenging the notice is pre-mature and is, therefore, not maintainable. We, therefore, hold that let a disciplinary proceedings initiated against the applicant by issue of the impugned notice dated 18.2.1994 be brought to the conclusion within a period of 2 months from the date of communication of this order and thereafter, after exhausting the statutory remedies provided under

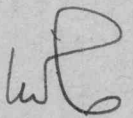
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the rules and if the applicant^{is} still aggrieved,
he may seek remedy with appropriate forum.^{ation}

With the above directions, this application
is dismissed as not maintainable at the admission
stage itself.



Member (J)



Member (A)

Dated: 16.8.1994

(n.u.)