

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

O.A. No. 1181 of 1994

Raghava Saran

... ... ...

Applicant.

Versus

Union of India  
and others

... ...

Respondents.

...

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.

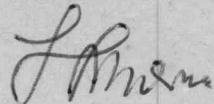
The applicant in this case was working as  
Khalasi when he was charge-sheeted for submission  
of false employment certificate. An enquiry was held  
but it was found that the charges were not established  
against him. Despite this, the disciplinary authority  
disagreed with the findings of the enquiry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

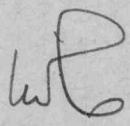
the findings of the enquiry officer. Thereafter, the respondents are stated to have issued a notice dated 18.7.1994 indicating the reasons for disagreement and also proposing ~~the~~ <sup>his</sup> removal from service. It is this notice, which has been challenged by the applicant in the present O.A. 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

*Re*

the rules ~~and~~ if the applicant still aggrieved,  
he may seek remedy <sup>u</sup> ~~with~~ appropriate ~~forum~~ <sup>u</sup> ~~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.)