

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 25th day of May, 2001

C O R A M :- Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. S.K.I. Naqvi, J.M.

Original Application No. 468/1999

R.K. Saxena S/o Sri L.P. Saxena, Chief Inspector Ticket,  
Northern Railway, Station Bareilly. R/o 121, Pakaria  
Nath Temple, Bhoor, Bareilly.

.....Applicant

Counsel for the applicant :- Sri R.D. Agrawal

V E R S U S

1. Union of India through the General Manager,  
Northern Railway, Head Quarter Office,  
Baroda House, New Delhi.

2. Senior Divisional Commercial Supdt.  
Northern Railway, D.R.M Office, Moradabad.

3. Sri M.M. Dubey

4. Sri A.K. Shukla

Bothe are Vigilance Inspector C/o General Manager,  
(Vigilance ) Railway Board, Rail Bhawan,  
New Delhi.

.....Respondents

Counsel for the respondents :- Sri A.V. Srivastava.

O R D E R (Oral)


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

This application under section 19 of the Administrative  
Tribunal's Act, 1985 has been filed for setting aside the

charge- sheet dt. 01.02.99 and order of appointment of Enquiry Officer for holding the departmental enquiry under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968. The applicant seeks direction to respondent No. 2 to change the Enquiry Officer. Applicant also seeks payment of full salary for the period of suspension from 05.12.1997 to 30.03.1998.

2. The case of the applicant is that while applicant was working at train No. 4230 down from New Delhi to Bareilly, two Vigilance Officers (respondent 3 and 4) were entered in AC Coach No. A-1 and A-2 between Hapur and Moradabad and demanded to cheque the coach and private and Government transaction. The applicant claims that before leaving New Delhi Railway Station to perform the duty, declared his private cash for Rs. 195/- and applicant produced all the concerned record. Respondent No. 4 prepared detail of cash and obtained signature of the applicant. It is claimed that respondent No. 2 signed the charge- sheet without applying his mind. The applicant was suspended on 01.10.97 and suspension was revoked on 04.10.97. He was again suspended on 05.12.97 and was kept under suspension up to 30.03.98. The applicant was ordered to attend the enquiry conducted by respondent Nos. 3 and 4. It is contended that the charge sheet was issued so that payment of Full salary was prevented and that the charge-sheet was issued after 14 months. It has been claimed that no relied document have been served to the applicant. It has also been claimed that respondent Nos. 2,3 and 4 have acted with malice and with illegal manner.

3. We have heard Sri R.D. Agrawal, learned counsel for the applicant and Sri A.V. Srivastava, learned counsel for the respondents.



4. Learned counsel for the applicant stated that the applicant is willing to face the enquiry but enquiry should be held on day by day basis and that the Enquiry Officer should be changed. We find the learned counsel for the applicant has not mentioned any thing about reason for changing Enquiry Officer barring making of prayer in para 8-b to change the name of the Enquiry Officer. In any case, he claims to have made representation to respondents to change the Enquiry Officer which according to the learned counsel for the respondents has been considered and has been replied to by the disciplinary authority on 03.05.01 as per the statement made by learned counsel for the respondents before us. Learned counsel for the applicant states that he has not received the copy. However, learned counsel for the respondents mentions that reply has been given on 03.05.01 and the applicant has been informed by the registered post.

5. We are not inclined to interfere in the matter of disciplinary enquiry at this interlocutory stage. However, it would be in the interest of good governance if enquiry is completed early. The respondents shall complete the enquiry within a period of three months from the date of receipt a copy of this order. The applicant shall cooperate by remaining present on each of the date fixed by the respondents for the purpose of enquiry.

6. There will be no order as to costs.

  
Member- J.

  
Member- A.

/Anand/