

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALAHABAD BENCH
ALAHABAD.

Allahabad this the 14th day of July 2000.

Original Application no. 1487 of 1999.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Mr. S. Dayal, Administrative Member

Mohd Azim, S/o Late Sri Mohd Wahid,
working as Assistant Station Master,
Northern Railway Mirzapur, R/o 17/28,
Indalpur, Post Dandi, District - Allahabad.

... Applicant

C/A Sri C.P. Gupta

Versus

1. Union of India through General Manager,
Northern Railway, Baroda House,
New Delhi.
2. Senior Divisional Operating Manager,
Northern Railway, D.R.M.'s Office,
Allahabad.
3. Divisional Operating Manager (M),
Northern Railway,
D.R.M.'s Office, Allahabad
4. Senior Wagons Movement Inspector,
Northern Railway, Mirzapur (Enquiry Officer)
5. Sri L.D. Sen, Traffic Inspector, Northern Railway,
Mirzapur (In person)

... Respondents

C/Rs Sri A.K. Gaur.

// 2 //

ORDER

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.

Heard learned counsel for the applicant. This application has been filed for quashing preliminary reports dated 28.07.1998 and 08.08.1998 (Annexure A-1 and A-2). It has also been prayed that the charge sheet dated 07.10.1998, issued by Divisional Operating Manager (M), Northern Railway, Allahabad (Annexure) may also be quashed. It appears that complaint was made that the applicant ^{has} married ^a during life time of his previous wife. ^{On} allegation a preliminary inquiry was made. ^{Consequent to} the preliminary inquiry the applicant appeared ^{to} be prima facie guilty of misconduct, as he married ^{again} during the life time of his previous wife. We have gone through the preliminary reports, and in our opinion, on the basis of material collected, such prima facie ^{view} ~~inquiry~~ could ^{be} reasonably taken by the authority. The ^{object of} preliminary inquiry ^{is} ~~is~~ to ascertain whether the allegations made are genuine. The memo of charge has already been served on the applicant.

2. Learned counsel for the applicant has relied on the judgment of Hon'ble Supreme Court in the case of Zunjarrao Bhikaji Nagarkar versus Union of India & Others (1999) 7 SCC 409. However, we do not find that this case helps the applicant in the present case. We have perused the preliminary reports which shows that there was cogent and reliable material for holding


the inquiry. The Hon'ble Supreme Court in the case of Union of India & Others versus A.N. Saxena, 1992 SCC (L&S) 861 has held that the disciplinary proceedings should not be stayed at interim stage.


The view is
find it
from it
We have taken full support ~~by~~ the aforesaid judgment.

3. During the course of arguments learned counsel for the applicant has also submitted that during this period the inquiry has already been completed and inquiry report has been submitted on 23.02.2000. In the circumstances we do not find any justification to keep this O.A. pending.

The application is dismissed accordingly. The interim order dated 13.12.1999 is vacated.

4. No cost.


Member-A


Vice-Chairman

/pc/