

(6)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 22nd day of May, 2001.

Original Application No.548 of 2000.

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Maj Gen K.K. Srivastava, A.M.

Avatar Singh S/o Sri Ajeet Singh,

Resident of 157-D, New Railway Colony,

Naini, Allahabad.

(Sri SK Om, Advocate)

. . . . . Applicant

versus

1. Union of India through General Manager,  
Northern Railway, Baroda House, New Delhi.

2. Senior Divisional Electrical Engineer (R.S.O.)  
Northern Railway, Allahabad.

3. General Manager, Rail Coach Factory,  
Kapoorthala.

(Sri AK Gaur, Advocate)

. . . . . Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this OA under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the memo of charge dated 21-9-1997 by which the disciplinary proceedings have been initiated against the applicant. After hearing counsel for the applicant at length and on perusal of the memo of charge, we do not find any good ground for quashing of the same.

2. Learned counsel for the applicant, however, submitted that though the charges against the applicant were very old relating to the year 1987-89, the enquiry is not being allowed to be completed on account of non-cooperative

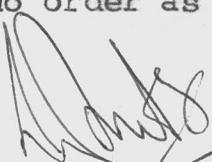


attitude adopted by the respondents. Learned counsel has also placed before us the order sheet of the enquiry which has been filed as Annexure-RA-1 to demonstrate that the respondents are not cooperating. Learned counsel has also submitted that the respondents have not filed documents shown in the memo of charge and the additional documents nor the copies have been given to the applicant.

3. Considering the facts and circumstances of the case, in our opinion, it appears expedient and necessary in the interest of justice to give a direction to the respondents to conclude the enquiry within a period fixed by this order after supplying documents and additional documents to the applicant within the period specified.

4. The OA is accordingly disposed of finally with the direction to the respondents to provide documents to the applicant within a month from the date a copy of this order is filed before the Inquiry Officer. The Inquiry ~~Officer~~ thereafter shall be completed within three months. It is further directed that in case enquiry is not completed, as stated above, within the period, the applicant shall be considered for ad hoc promotion to the next higher post <sup>and</sup> if it is due to him, <sup>as per rules</sup>.

5. There shall be no order as to costs.

  
Member (A)

  
Vice Chairman

Dube/