

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 22nd DAY OF APRIL, 2002

Original Application No.292 of 2002

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Braham Swaroop Saxena, son of
Shri Ram Bharosey Lal Saxena, resident
of House No.U/62, Shastri nagar
Bareilly.

... Applicant

(By Adv: Shri R.D.Agrawal)

Versus

1. Union of India through the Secretary, Ministry of Defence, Government of India, South Block, New Delhi.
2. Chief Engineer, Central Command Lucknow.
3. Garrison Engineer(W),Jabalpur.

... Respondents

(By Adv: Shri Ganga Ram Gupta)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this application u/s 19 of A.T.Act 1985 applicant has prayed to quash the Memorandum of charges dated 31.3.2001. It has also been prayed that this Tribunal may direct the respondents to hold disciplinary proceedings at Bareilly where the memorandum of charge has been served, as the applicant is unable to move on account of his ill health.

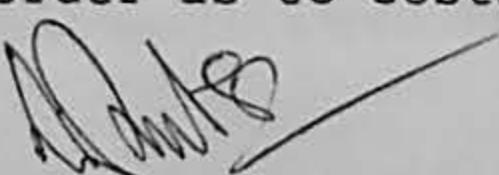
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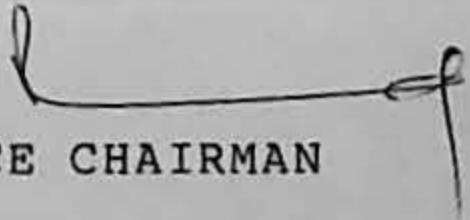
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Shri R.D.Agrawal counsel for the applicant has submitted that applicant is suffering from serious ailment. he has relied on the medical certificate(Annexure 4) dated 5.3.01 which describes as Asthamatic Bronchitis 'c' Cor Palmonds. the certificate has been issued by Medical officer, T.B. Clinic, Bareilly.

Shri G.R.Gupta learned counsel appearing for the respondents, on the otehr hand submitted that it will be disfficult to hold an inquiry at Bareilly as all the charges relate to Jabalpur and the witnesses and material are available at Jabalpur.

We have carefully considered the submission. We do not find any good ground for quashing the memo of charges. However, so far as second prayer is concerned, in our opinion, ends of justice will be served if applicant is given liberty to make application before Chief Engineer Central Command, Lucknow for changing the venue of disciplinary proceedngs. The application if so filed shall be considered and decided by a reasoned and detailed order in accordance with the extant rules within a month. *The O.A. is disposed of finally.*
There will be no order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 22nd April, 2002

Uv/