

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 21st day of January 2002

Original Application no. 29 of 2002.

Hon'ble Mr. Justice RRK Trivedi, VC  
Hon'ble Maj Gen KK Srivastava, AM

G.I Arif, S/o Sri Gulam Mustafa,  
R/o 156, Sewai Mandi, Nakkhas Kona,  
Allahabad.

... Applicant

By Adv : Sri RK Nigam

V E R S U S

1. Union of India through General Manager,  
Northern Railway, Baroda House,  
NEW DELHI.
2. Divisional Commercial Manager,  
Northern Railway,  
ALLAHABAD.
3. Mohd. Azhar Shams, Divisional Commercial Manager,  
Northern Railway,  
ALLAHABAD.

... Respondents

By Adv : Sri A.K. Gaur

O R D E R

Hon'ble Mr. Justice RRK Trivedi, VC

By this OA, under section 19 of the A.T. Act, 1985, the applicant has challenged the memo of charge dated 7.8.2001 (Ann 1). The allegation is that the

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memo of charge has been served without any basis, only on account of annoyance caused<sup>to</sup> respondent no. 2 Divisional Commercial Manager, Mohd. Azhar Shams, as the applicant had filed the contempt application no. 206/01 in this Tribunal in which he (respdt no. 2) had filed counter affidavit. The contempt proceedings are still pending.

2. After hearing counsel for the parties and on perusal of records, we are not inclined to interfere with the proceedings at this stage, but at the same time it appears necessary to avoid any arbitrary action against the applicant on the basis of which he may be deprived the chance of promotion as CIT. For this purpose, in our<sup>an</sup> opinion, if the liberty is given to the applicant to approach, General Manager, N. Rly., and file a representation who may consider and judge<sup>the</sup> the whole matter and pass a reasonable order on the basis of material available as to whether the proposed action is justified or not.

3. The OA is accordingly disposed of ~~accordingly~~<sup>by</sup> with the liberty to the applicant to file a representation before the General Manager, N. Rly., within 2 weeks, the representation if so filed shall be considered ~~the~~<sup>by</sup> the General Manager, N. Rly., within 2 months and he shall then pass the order if <sup>he is</sup> satisfied that the initiation of the disciplinary proceedings on the basis of impugned memo of charge is justified. ~~The OA is decided accordingly.~~<sup>if not satisfied he pass any suitable order</sup>  
~~according to Rules~~  
No order as to costs.

Member-A

Vice-Chairman

/pc/