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OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 4th DAY OF AUGUST, 2009)

PRESENT :

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J
HON'BLE MR. S.N. SHUKLA, MEMBER-A

ORIGINAL APPLICATION NO. 505 OF 2002
(U/s, 19 Administrative Tribunal Act. 1985)

Kripa Shankar Srivastava, S/o Late Bachu Lal Srivastava, R/o
House No. J-8/74, Digia, Jaipur, Varanasi

.....Applicant.

By Advocate: Shri Rakesh Verma

Versus

1. Union of India through the GENERAL MANAGER, CENTRAL ORGNISATION RAILWAY ELECTRIFICATION, OLD D.S. OFFICE ALLAHABAD.
2. General Manager, Central Orgnisation, Railway Electrification, Old D.S. Office, Allahabad
3. The Deputy Chief Project Manager, Railway Electrification Mathura, U.P.
4. The Assistant Personnel Officer, Central Orgnisation, Railway Electrification, Mathura, U.P.

..... Respondents

By Advocate: Shri S.C. Mishra ^{Adv} (for all Respondents) ^{Adv}
& Shri Saumitra Singh (No Vakalatnamas on record) ^{Adv}.

ORDER

(DELIVERED BY: JUSTICE A. K. YOG- MEMBER-JUDICIAL)

1. Heard Shri R. Verma, learned counsel for the applicant and Shri Vinod Kumar holding brief of Shri S. Singh, Advocate on behalf of respondents. Perused the pleadings and the documents on record.

Adv.

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2. By means of this OA, applicant an employee of the respondent department who has already retired in the year 2000 seeks to challenge charge sheet dated 20.12.1989. The respondents have filed counter affidavit. It is interesting to note the contents of para 4, 5 and 8 which reads:-

4. That, at the outset it is mentioned that Mathura Project had been closed long back due to completion of the work entrusted to it and the office of the respondent No. 2 & 3 are no more in existence and their records are also not available at this distant date. Due to non-availability of records, it is not possible to confirm at this stage that the applicant was an employee of Mathura Project. Therefore, he should produce documents to prove that he was ever appointed in Mathura Project as stated in Clause 4(i) and he is a regular employee. He should also reveal his physical identity. As per Clause 2001 (iii) Note-8(5), of Indian Railway Establishment Manual (Vol. II) 1990 a casual labour is issued a card alongwith a photograph of the said casual staff. This card is supplied to the Casual labour at the time of his initial engagement, but the applicant has not annexed the same with the O.A. to establish the genuineness of his being a casual labour of Closed Mathura Project.

PARAWISE REPLY

5. That, the contents of para 1 of the O.A. are wrong hence denied. The applicant cannot seek multiplicity of reliefs and as such the present O.A. is liable to be dismissed for seeking several reliefs.

8. That, in reply to the contents of paras 4(i) and 4(ii) of the O.A. it is stated that since the record of Mathura Project are not available the statements made in paras under reply are denied. The applicant is required to put to strict proof of the same.

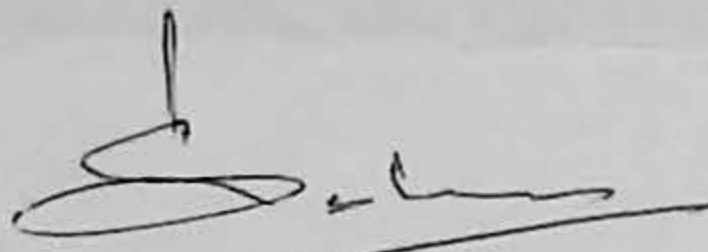
3. In view of afore quoted paras in the counter affidavit, it is clear that now the matter has become stale. There is no possibility to hold 'enquiry' in absence of relevant record, witnesses etc. More over applicant has already retired.

Ans.

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4. In view of the above, charge sheet dated 20.12.1989 is quashed with direction to the respondents to accord/confer post retiral benefits as may be available in accordance with law within a period of four months from the date of receipt of certified copy of this order.

5. OA allowed subject to above directions. No Costs.



Member-A



Member-J

/ns/