

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 21ST DAY OF AUGUST, 2002

Original Application No.913 of 2002

CORAM:

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

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

Anil Kumar Agrawal, S/o
Shri Mahavir Prasad Agrawal,
R/o 42--C, Shiv Nagar, Allahpur
Allahabad.

... Applicant

(By Adv: Shri R.A.Akhtar)

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi
2. The Appellate Authority i.e. the Senior Divisional Commercial Manager Northern railway Lucknow Division, Lucknow.
3. The Disciplinary Authority i.e. The Divisional Commercial manager Northern Railway, lucknow
4. The Enquiry Officer(Vigilance) Northern Railway, Baroda House New Delhi at DRM Office, New Delhi

... Respondents

(By Adv: Shri A.K.Gaur)

O R D E R (Oral)

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

By this OA u/s 19 of A.T.Act 1985 applicant has challenged the show cause notice dated 11.4.02 by which the Senior Divisional Commercial Manager Lucknow has asked the applicant to show cause why the punishment awarded by order dated 30.8.01 may not be enhanced. It is not disputed that the applicant has filed his reply to the impugned show cause notice. In the circumstances, we do not find it a fit case for interference at this stage. The counsel for the

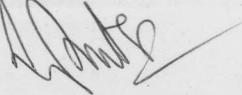


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applicant, however, submitted that though reply was submitted on 15.4.02 no order has been passed. It is

also submitted that in the present case the ~~show~~ cause notice is wholly without jurisdiction as it has been issued after the expiry of the period of six months.

Considering the facts and circumstances, in our opinion the ends of justice will be served if we dispose of this OA with the direction to respondent no.2 to consider and decide the objection raised by the applicant before passing the orders on merits. The OA is disposed of finally with the direction to the respondent no.2 to consider and decide the objection of the applicant against ~~the~~ show cause notice and then to proceed with the appeal ~~or~~ revision. There will be no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: Aug: 21st, 2002

Uv/